

1           IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2                       FOR THE COUNTY OF MULTNOMAH

3  
4  
5  
6                       **GRAND JURY No. 3 PROCEEDINGS**

7                               **Case No. 102**

8                               Conducted by:

9                       Todd Jackson, Deputy District Attorney

10  
11                               - - -

12                               June 3, 2019

13                               - - -

14                               (3:36:30)

15                               - - -

16                       DA Case Nos. 2403060-1 and 2403060-2

17                               PPB Cse No. 19-138195

18  
19  
20  
21  
22                       Katie Bradford, CSR 90-0148  
23                               Court Reporter  
24                               Portland, Oregon  
                             (503) 267-5112

25           Proceedings recorded on digital audio recording;  
transcript provided by Certified Shorthand Reporter.

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1 Death Investigation

2 Deceased: Jeb Collin Brock

3 Incident Date: 4-29-19

4 Incident Location: [REDACTED]

5 Portland, Oregon

6 DA Case Nos. 2403060-1 and 2403060-2

7 PPB Cse No. 19-138195

8 Grand Jury No. 3, Case No. 102

9 \* \* \*

10 (Volume 2, Monday, June 3, 2019, 10:38 a.m.)

11 P R O C E E D I N G S

12 (Whereupon, the following proceedings were  
13 held before Grand Jury No. 3:)

14 MR. JACKSON: Okay. We're on the record.

15 I am Deputy District Attorney Todd Jackson.

16 We're appearing before Grand Jury No. 3. This is  
17 Grand Jury Case No. 102 for DA Case Nos. 2403060-1 and  
18 -2, the death investigation following the use of  
19 firearms by police which caused the death of  
20 Mr. Jeb Brock on April 29th, 2019 in the City of  
21 Portland.

22 This is Day 2 of the presentation. We'll  
23 start with our first witness, Dr. Michele  
24 Stauffenberg.

25 If you could stand right here and raise your

## Examination of Michele Taylor Stauffenberg

1 right hand.

2 **MICHELE TAYLOR STAUFFENBERG**

3 Was thereupon called as a witness; and, having been  
4 first duly sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MR. JACKSON:

7 Q You can have a seat.

8 Could you please --

9 A All right.

10 Q -- state and spell your name.

11 A Michele Taylor Stauffenberg, M-i-c-h-e-l-e,  
12 T-a-y-l-o-r, S-t-a-u-f-f-e-n-b-e-r-g.

13 Q Okay. Doctor, what is your occupation?

14 A I am a deputy state medical examiner  
15 for Oregon.

16 Q And what does that mean?

17 A That means that I'm a -- a medical examiner,  
18 a forensic pathologist. I'm a medical doctor who  
19 performs autopsies in order to determine the cause and  
20 manner of death in cases that are sudden or unexpected  
21 or due to trauma, poisoning or other injuries.

22 Q And how do you become a forensic  
23 pathologist?

24 A Well, it requires medical school because a  
25 medical examiner is a medical doctor. That's followed

Examination of Michele Taylor Stauffenberg

1 by training in pathology as a specialty and then  
2 subspecialty training in forensic pathology.

3 So in the pathology residency, we learn all  
4 the different things that a pathologist does and then  
5 we can spend an extra year beyond our training  
6 learning to be a forensic pathologist.

7 Q And what is your educational background?

8 A I have a bachelor of science degree from the  
9 University of Texas at Dallas. I graduated in 1992  
10 summa cum laude and then I attended medical school at  
11 University of Texas Southwestern Medical School in  
12 Dallas. And I graduated in 1996 with my MD degree.

13 I trained in pathology also in Dallas at  
14 Parkland Hospital and that was a five-year residency.  
15 And then I moved to Georgia and trained for a year  
16 in forensic pathology at the Fulton County Medical  
17 Examiner's Office.

18 Q And how many years have you actually been  
19 practicing medicine as a forensic pathologist?

20 A I finished my training in 2002, so I've been  
21 a forensic pathologist ever since then.

22 Q And was that in Oregon or in Georgia or in  
23 other places as well?

24 A It's mostly in Georgia. I worked full time  
25 at the Fulton County Medical Examiner's Office until

## Examination of Michele Taylor Stauffenberg

1       -- when did I leave there? -- 2016. And then from  
2       2016 to 2017, I also worked in the neighboring county  
3       in Georgia and I also did some part-time work in  
4       Lubbock, Texas.

5               I moved here in November of 2017 and I've  
6       worked at this office -- it's over in Clackamas --  
7       ever since 2017.

8               Q     And what is the office in Clackamas -- what  
9       are their responsibilities in terms of forensic  
10      pathology and autopsy performance?

11              A     Part of that building is the State Medical  
12      Examiner's Office. And so cases that would fall under  
13      the medical examiner's jurisdiction that need an  
14      examination, such as an autopsy or an external  
15      examination or blood drawn for toxicology testing, are  
16      brought to that office so that a medical doctor  
17      trained in forensic pathology can do that examination.

18              Q     Okay. And how many -- just estimate, how  
19      many autopsies have you performed in your career?

20              A     Oh, I can give you a number. I've performed  
21      personally 3,885 autopsies and external examinations.  
22      And I've also supervised 1,189 exams performed by  
23      residents and students.

24              Q     Have you testified in court in your capacity  
25      as a forensic pathologist in the past?

## Examination of Michele Taylor Stauffenberg

1           A     Yes, I have.

2           Q     And approximately how many times have you  
3 done that?

4           A     224.

5           Q     Okay. Turning now to this case --

6           A     Mm-hmm.

7           Q     -- did you perform an autopsy on the body of  
8 Jeb Brock on May 1st of 2019?

9           A     Yes, I did.

10          Q     And where was that autopsy performed?

11          A     That was performed at our office in  
12 Clackamas.

13          Q     Who was present for the autopsy?

14          A     Well, you, for one. Let's see, who else  
15 have we got? We have Detectives Vince Cui, Travis Law  
16 and Kelly Van Blokland of the Portland Police Bureau  
17 and Todd Jackson of the Multnomah County District  
18 Attorney's Office.

19          Q     And what was the purpose of performing an  
20 autopsy in this case?

21          A     In this case, it's to document the cause and  
22 manner of death as well as -- as detailed an  
23 examination of the injuries of the body as we can get.

24          Q     And would it be standard procedure following  
25 an officer-involved shooting that an autopsy would

## Examination of Michele Taylor Stauffenberg

1       be conducted?

2           A       Yes.

3           Q       And why is that?

4           A       Well, for one thing, if a person dies  
5       because they've been shot by another person, whether  
6       it's a police officer or somebody else, our office  
7       will perform an examination, usually an autopsy, in  
8       order to document those details of the wounds.  So  
9       this would've been done whether it was a police  
10      officer or somebody else.

11          Q       You mentioned some terms, cause and manner  
12      of death, that you determine in the course of your  
13      professional duties.  Can you explain what those  
14      terms mean?

15          A       Yes, I'll start with cause of death.  Cause  
16      of death is whatever condition or event, such as an  
17      injury, starts the fatal chain of events.  So it's not  
18      the last thing, it's the first thing.  So in this  
19      case, if somebody is shot, then their cause of death  
20      would be gunshot wound.

21                 Manner of death is a -- a description of the  
22      circumstances that resulted in death.  And for that,  
23      we get a choice of five different categories.  We can  
24      call it homicide if death was caused by another  
25      person; suicide if death was caused by the person



## Examination of Michele Taylor Stauffenberg

1       themselves; accident if it's due to accidental means;  
2       and natural if it's due to natural causes.

3               But sometimes we can't neatly fit it into  
4       one of those four categories and so we can also use  
5       undetermined.

6           Q     Okay. And, in this case, after you  
7       performed the autopsy on Jeb Brock, did you reach a  
8       conclusion about the cause and manner of death?

9           A     Yes, I did.

10          Q     What was it?

11          A     The cause of death is gunshot wounds of head  
12       and chest and the manner of death is homicide.

13          Q     And is your finding of homicide as the  
14       manner of death a legal conclusion under the criminal  
15       law?

16          A     No. It doesn't necessarily have anything to  
17       do with -- with the law or with charging anybody for  
18       anything. Homicide, for our purposes, just means that  
19       the gunshot was fired by another person, not by the  
20       decedent, himself. So, in this case, the gunshot was  
21       fired by a police officer.

22          Q     Okay. Turning now to the actual examination  
23       you performed, did you measure the height and weight  
24       of the deceased?

25          A     Yes, I did. He was 74-and-one-half inches

## Examination of Michele Taylor Stauffenberg

1 in length. That means six feet, two-and-a-half  
2 inches. And he weighed 193 pounds.

3 Q And could you kind of take us through some  
4 of the standard procedures that you'll go through when  
5 you conduct an autopsy?

6 A Yes. An autopsy starts when I first view  
7 the body, so we'll open the body bag and I get a  
8 chance to look at what's the body wearing, how is he  
9 positioned, can I see any injuries as he lies here.

10 We have photography done at the time, so  
11 there will be pictures of what the body looks like  
12 when -- when I first see it. And then I look at any  
13 clothing that's on the body to see if there are any  
14 holes. I look at the skin once the clothing is  
15 removed to see if those holes match up with wounds on  
16 the body.

17 Another thing I'm looking for with clothing  
18 is sometimes there's soot or gunpowder that gets  
19 deposited on the clothing, which would indicate how  
20 far away the gun is when it was fired. I can also  
21 look for those things on the skin.

22 Once I've got the body undressed and I've  
23 examined it before washing, I'll wash the body and get  
24 a really good look at all surfaces of the skin to see  
25 if there are any injuries I can document.

## Examination of Michele Taylor Stauffenberg

1                   And then the body is opened. We use a  
2   Y-shaped incision that allows -- allows me to see all  
3   of the organs. And then they're removed so that I can  
4   look at each one. And I'm looking for any evidence of  
5   an injury or an abnormality or a blood collection that  
6   would indicate the cause of death.

7           Q     All right. And, in this case, could you  
8   take us through -- well, did you follow those  
9   procedures in this case?

10          A     Yes.

11          Q     And could you take us through your findings?

12          A     Yes. Looking at his clothing, he was  
13   wearing -- let's see. He has a -- a T-shirt that's  
14   arranged on the torso and the shoulders and there was  
15   a hole in the -- roughly the center of the -- the  
16   chest of the shirt. And that more or less  
17   corresponded to a wound on his chest.

18                   He was wearing a black-and-white bandanna  
19   around his neck. His hands were covered with paper  
20   bags in order to protect evidence. He had on a pair  
21   of dark-olive slacks with the button fastened at the  
22   waist, but the zipper was opened. He had a belt  
23   through the belt loops and the belt was opened.

24                   He had a book of matches, a black cigarette  
25   lighter and some coins in the pockets of his pants;

## Examination of Michele Taylor Stauffenberg

1       also a bus pad -- a bus pass. He has a pair of  
2       bright-blue boxer briefs underneath his -- his pants  
3       and three socks on his feet, two on the right and one  
4       on the left.

5               He also had an ankle monitor around his  
6       ankle. And that's it. That's where -- that's it for  
7       his clothing.

8           Q     Okay. And once you removed the clothing,  
9       did you examine the body and then ultimately wash the  
10      body and examine it again?

11          A     Yes. I examined the body, looked for any  
12      injuries. I always like to look at it first before I  
13      wash it in case there is soot on the skin 'cause I  
14      don't want to wash that off inadvertently and miss it.  
15      But there was nothing to see, so I washed the -- the  
16      rest of the blood off the body so that I could get a  
17      good look at the skin and the wounds.

18          Q     So there wasn't any of that soot or  
19      gunpowder or anything like that that you were able to  
20      see on the clothes or the skin prior to washing?

21          A     That's right.

22          Q     Okay. Once the body was washed, aside from  
23      the wounds that we'll talk about in just a minute, was  
24      there anything else unusual about it?

25          A     Other than wounds, no.

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1           Q     Okay.  So then moving now to the wounds that  
2     you documented, what did you find?

3           A     Well, first of all, there were two gunshot  
4     wounds.  He had one gunshot wound that was on the left  
5     side of his forehead.  It was kind of a wide wound, a  
6     big oval-shaped wound.  It had a circular marking on  
7     the side towards the middle.

8                     And then out to the side, there were tears  
9     that were going to the left.  So it -- it kind of --  
10    kind of looked like maybe a comet or something like  
11    that, so round at one end and tears at the other end.

12                    The wound on the head went through the skin  
13    and into the skull.  And it made a big enough hole  
14    that I could see through the skull and see the brain  
15    underneath.

16           Q     And you're pointing on your forehead here,  
17    but just for our record, where was that hole that  
18    you've described actually located?

19           A     It's on the left forehead, one and one-half  
20    -- or, no.  Three inches from the top of the head and  
21    one-and-three-quarter inches left of the  
22    anterior midline.

23           Q     Okay.  And is that another word for kind of  
24    the center of the face?

25           A     Yes.

## Examination of Michele Taylor Stauffenberg

1 Q Yeah.

2 A Yes --

3 Q Okay.

4 A -- the midline of the face.

5 Q Okay. What else did you find?

6 A He also has a second gunshot wound on the  
7 chest. The wound on the chest is on the right side a  
8 little high on the chest. It goes through the skin of  
9 the upper chest, upper-right chest, and it goes  
10 through the chest cavity.

11 Both of these bullets ended up on the back  
12 of the body. So on the head, we -- I could feel the  
13 bullet on the back -- the left -- the left side of the  
14 back of his head. The other one was about at the  
15 level of the right shoulder blade.

16 Q After you identified those, what appeared to  
17 be bullet injuries --

18 A Mm-hmm.

19 Q -- or gunshot wounds --

20 A Yes.

21 Q -- are you able to track the path of the  
22 gunshot wound through the body?

23 A Yes. As part of the internal examination,  
24 when I open up the -- the chest and do that part of  
25 the examination, I was able to track that the bullet

## Examination of Michele Taylor Stauffenberg

1       went through the second rib on the right.

2               It goes through the upper part of the right  
3       lung and allows about 1500 milliliters of blood and  
4       blood clot to accumulate in the right chest around the  
5       lung. So picturing, say, a two-liter soda bottle,  
6       this would be like one-and-one-half liters, so not  
7       quite as much as would fill a two-liter soda bottle,  
8       but less than that.

9               A person ordinarily has about five liters of  
10       blood, period. So it's a pretty significant amount of  
11       blood that's now in his chest instead of circulating  
12       and carrying oxygen to all of his cells.

13              In opening his head to look at that track,  
14       that track went through the brain and it was kind of  
15       -- made kind of a shallow, superficial track through  
16       the left side of the brain.

17              And it went through the skull in front right  
18       under the entrance hole, went through the brain and  
19       went through the skull in the back and came to rest  
20       just behind the left ear. So I was able to see that  
21       track as well.

22              Q       And as you're looking at these tracks, are  
23       you able to tell kind of trajectories of the bullet as  
24       it travels through the body?

25              A       I generally describe the -- describe this as

## Examination of Michele Taylor Stauffenberg

1 a direction because I can't necessarily tell exactly  
2 with precision how far left or right the bullet  
3 travels. So it's, you know, left versus right, front  
4 versus back, top versus bottom.

5 So, in this case, we've got a gunshot wound  
6 to the head that's going front to back, it's going  
7 downward and it's going slightly right to left. The  
8 one on the chest is going also front to back, but it's  
9 -- it has very little movement from side to side or up  
10 or down. It's more or less straight from front to  
11 back.

12 Q Okay. And those directions you've just  
13 described, is that -- or are they listed presuming the  
14 body is in a particular position?

15 A Yes. I -- I always describe those pathways  
16 as if the person is standing in anatomic position, so  
17 standing up with their feet together pointing forward,  
18 their arms out to the sides with their thumbs pointing  
19 out to the sides, their head facing front.

20 And so since most people don't stand in this  
21 position to get shot, but I don't know what position  
22 they're in, I have to use that as a frame of  
23 reference.

24 Q Okay. So if, for example, someone was  
25 laying down or moving around in a dynamic scene, those



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1 directions may not be accurate as to what actually  
2 happened, but from an anatomically standing position,  
3 that's how they would be described?

4 A That's correct.

5 Q Okay. What other wounds did you observe on  
6 the body?

7 A Well, he had a -- a bruise on his left  
8 thigh. This was a -- a big, round bruise that had an  
9 abrasion on the surface of the skin. And the abrasion  
10 was a circle. You know, it -- as if you take a -- a  
11 narrow glass and twist it on the surface of the skin,  
12 something that makes something round. So the middle  
13 isn't filled in, just the edges. And so there's an  
14 abrasion and there's a bruise.

15 Q That was on the left thigh?

16 A That was on the left thigh.

17 Q Were you able to see how far between the hip  
18 and the knee it was? Was it more toward the knee or  
19 more toward the hip?

20 A This was more towards the hip. It was --  
21 let's see. I don't have a description of how far  
22 up or down, but it was closer to the hip. It was  
23 one-and-a-half inches in diameter and -- and that's  
24 the entire bruise. And then the abrasion was  
25 inside that.

## Examination of Michele Taylor Stauffenberg

1           Q     What other wounds, if any, did you observe?

2           A     He has a number of very superficial cuts.

3     He has a whole group of superficial cuts on the right  
4     side of his neck that all go this direction from upper  
5     -- upper right to lower left. And then he has a group  
6     of superficial cuts on the left side of his neck that  
7     go from upper left to lower right.

8                     He has some cuts on the front of both of his  
9     arms, most of them very superficial. They're just  
10    barely deep enough to draw blood and there's just a  
11    little bit -- bit of blood oozing from those cuts, but  
12    none of them is deep enough that he would die from  
13    them.

14          Q     Okay. And is that --

15                   A GRAND JUROR: I'm sorry. Which arm?

16                   THE WITNESS: Oh, both.

17                   A GRAND JUROR: Both arms.

18                   THE WITNESS: He's got -- he's got cuts on  
19    both arms.

20                   A GRAND JUROR: Thank you.

21                   THE WITNESS: Yeah.

22    BY MR. JACKSON:

23          Q     And is that what you mean when you use the  
24    term "superficial" or does it have a different  
25    meaning?

## Examination of Michele Taylor Stauffenberg

1           A     No. Superficial means it doesn't go very  
2     deep into the skin. It would be very similar to a  
3     scratch, if someone were scratched with something  
4     sharp like a -- a rose thorn or something like that.  
5     It looks a lot like that.

6           Q     Were you able to tell anything about the  
7     object or implement that would've caused those cuts as  
8     you described?

9           A     No. They looked like they were caused by a  
10    sharp edge, so anything that would have a sharp edge  
11    such as glass or a knife or something similar that has  
12    a -- a cutting surface to it would be a potential  
13    source of those injuries.

14          Q     Kitchen knife?

15          A     Sure.

16          Q     Okay. So of the wounds that you just  
17    described, were you able to identify which, if any,  
18    were lethal?

19          A     Yes. The two gunshot wounds are each  
20    potentially lethal in and of themselves.

21          Q     And can you tell anything about how quickly  
22    he would have died as a result of those gunshot  
23    wounds?

24          A     That's often hard to say. With a -- a  
25    gunshot wound to the head, that is a -- a potentially

## Examination of Michele Taylor Stauffenberg

1        instantaneous or rapid death. Any damage to the brain  
2        can bring about death very rapidly.

3                    A -- a gunshot wound of the chest or  
4        anything that makes a person bleed is going to take in  
5        the neighborhood of minutes to bring about death. As  
6        long as you've got a hole big enough for blood to get  
7        out of it, it takes as long as it takes for the heart  
8        to pump that much blood out of the circulation and  
9        into that chest cavity.

10                Q        And so I'm assuming because of the way  
11        you've just described this that -- when you're talking  
12        about the heart pumping the blood out, that would've  
13        been the chest gunshot wound?

14                A        Yes.

15                Q        That that would've been occurring?

16                A        Yes. The one in the -- in the chest,  
17        there's damage to the lung. The lung has really large  
18        blood vessels running through it and the entire  
19        cardiac output has to go through the lungs, so half of  
20        it in the right, half of it in the left. That's a lot  
21        of blood. And so the -- when the heart pumps, then  
22        blood's going to come out of that lung into the space  
23        around it.

24                Q        And while the body is pumping the blood out,  
25        can it still function and move around?

## Examination of Michele Taylor Stauffenberg

1           A     Yes, potentially. As long as the brain's  
2 not injured, a -- a person would be able to walk, talk  
3 until they've lost enough blood that they would become  
4 lethargic and pass out.

5           Q     You said that process can take minutes  
6 depending --

7           A     It can take minutes, yes.

8           Q     Okay.

9           A     Mm-hmm.

10          Q     In the course of conducting an autopsy, is  
11 it common to take a sample of bodily fluid for drug  
12 and alcohol testing?

13          A     Yes. We typically take a blood sample and  
14 we'll take urine if we can get it.

15          Q     Okay. And was that done in this case?

16          A     Yes.

17          Q     What samples were obtained?

18          A     Let's see. We were able to get blood and  
19 urine and those were sent to the State Forensic  
20 Laboratory for drug and alcohol testing.

21          Q     Was that testing done?

22          A     Yes.

23          Q     What were the results?

24          A     He had methamphetamine on board at  
25 0.28 milligrams per liter. He had amphetamine, which

## Examination of Michele Taylor Stauffenberg

1 is a metabolite of methamphetamine, less than  
2 0.010 milligrams per liter. And he also had ethanol,  
3 which is drinking alcohol. And that was at  
4 13 milligrams per deciliter.

5 Q And what is the legal limit for alcohol  
6 under that label?

7 A Under these units, the legal limit would be  
8 80 milligrams per deciliter. So --

9 Q For driving?

10 A Right, for -- for driving.

11 Q Okay. You said that the amphetamine is a  
12 metabolite of the methamphetamine. What -- what does  
13 that mean?

14 A That means that as methamphetamine  
15 circulates in the body, the body starts to break it  
16 down. And so the first breakdown product is  
17 amphetamine, which acts just like methamphetamine. So  
18 even though it's not methamphetamine anymore, it still  
19 does the same thing to the body.

20 MR. JACKSON: Okay. Doctor, those are the  
21 questions that I have for you.

22 Do the grand jurors have any questions?

23 A GRAND JUROR: Could you translate a little  
24 bit for a layman the -- the drug -- the -- the amount  
25 of drugs in his system?

## Examination of Michele Taylor Stauffenberg

1           THE WITNESS:  Yes.  The amount of  
2   methamphetamine that was detected is an amount that  
3   would be considered higher than nontoxic.

4           A GRAND JUROR:  So it wasn't toxic?

5           THE WITNESS:  It -- it's -- well, it's --  
6   it's potentially toxic, yes.

7           A GRAND JUROR:  So it's toxic.  Relatively  
8   high?

9           THE WITNESS:  Yes.  It's not necessarily  
10   enough that I would look at that number and say, "Oh,  
11   that's a drug overdose."  But if I had no other  
12   injuries and I had a methamphetamine level of .28,  
13   then I would say, "Well, I haven't got anything else.  
14   He probably died from the methamphetamine."

15          A GRAND JUROR:  Okay.

16          A GRAND JUROR:  What about the alcohol?

17          THE WITNESS:  The alcohol is very low.  This  
18   is a -- a very small amount of alcohol.

19          MR. JACKSON:  Are there any other questions?

20                 I don't see any.

21                 Okay.  Thank you very much, Doctor.

22          A GRAND JUROR:  Thank you --

23          THE WITNESS:  All right.

24          A GRAND JUROR:  -- Doctor.

25          MULTIPLE GRAND JURORS:  Thank you.

## Examination of Travis Gover

1                   MR. JACKSON: If you could stand right here  
2                   and raise your right hand.

3                                   TRAVIS GOVER

4                   Was thereupon called as a witness; and, having been  
5                   first duly sworn, was examined and testified as follows:

6                   BY MR. JACKSON:

7                   Q       You can have a seat.

8                                   Could you please state and spell your name.

9                   A       My name is Travis Gover. Last name is  
10                   spelled G-o-v-e-r.

11                  Q       And what is your occupation?

12                  A       I'm a forensic scientist, firearm and  
13                   toolmark examiner with the Oregon State Police  
14                   Forensic Services Division here in the Portland Metro  
15                   Forensic Laboratory.

16                  Q       What does that mean?

17                  A       In short, I am a forensic firearms examiner  
18                   who does -- we do a lot of comparison work and  
19                   firearms-related work.

20                  Q       And as a practical matter, what do you do on  
21                   a day-to-day basis?

22                  A       Day to day basically we -- the -- I'll just  
23                   give you the scope of what we do in the forensic lab  
24                   at the firearms section. One is we test fire --  
25                   firearms for what we call operability to make sure



## Examination of Travis Gover

1       that they work as if, you know, they're designed from  
2       the factory with -- looking for modifications or if  
3       anything's broken.

4               We do what we call gunshot residue proximity  
5       testing. So if there's shots that are fired in close  
6       proximity to -- it could be clothing, could be an  
7       inanimate object. We can do tests to try and  
8       determine the -- the approximate range the test --  
9       that the shot was fired from.

10              We also do what we do -- call comparison  
11       work. So we examine fired bullets, fired cartridge  
12       cases and try to identify if they've been fired from a  
13       particular firearm or not.

14              We also do what we call serial number  
15       restoration. If the serial number is obliterated from  
16       a firearm or another object, we have chemical methods  
17       as well as magnetic methods, we can try and restore  
18       the serial number so we can read it and report it.

19              Q     Okay. And how long have you been with the  
20       Oregon State Crime Lab?

21              A     I've been there for a little over 20 years.

22              Q     And have you been in your current position  
23       for that entire time?

24              A     Almost 19, 19-and-a-half years of that has  
25       been as a firearms examiner. I started off with our

## Examination of Travis Gover

1 integrated ballistics identification system in the  
2 firearms section, so it gave me a good foundation for  
3 the job I'm doing now.

4 Q What is your educational and training  
5 background for your position?

6 A Education is I have a bachelor of science  
7 degree in biology, so it's basically a -- a science  
8 degree, so a science foundation.

9 And for my training, I attended what was  
10 called the National Firearm Examiners Academy. It's a  
11 year-long training course that the Bureau of Alcohol,  
12 Tobacco and Firearms puts on. It involves basically  
13 four months of doing research on, you know,  
14 microscopy, firearms manufacture, tool manufacture,  
15 the comparison process in the first four months.

16 And then the next four months actually is  
17 spent living in D.C. training with the Bureau of  
18 Alcohol, Tobacco and Firearms in their laboratory, you  
19 know, doing all the practical, you know, exercises and  
20 studying and also visiting manufacturers, firearms  
21 manufacturers, to see how the guns were made.

22 And the last few months is spent in our --  
23 back in our home lab doing research project and also  
24 doing assignments.

25 Q Okay. And is the Oregon State Crime Lab

## Examination of Travis Gover

1 certified for the type of analysis that you've  
2 just described?

3 A Yes. So we're certified through a -- a  
4 group called ANAB. It's a -- an international  
5 accrediting body, so we generate procedures and they  
6 come in behind and make sure that we're following what  
7 we say we're going to be doing, so --

8 Q And are those procedures generally accepted  
9 in the scientific community?

10 A Yes, they are.

11 Q Okay. Did you have an opportunity to  
12 examine two Glock semiautomatic pistols, two cartridge  
13 cases and two bullets that were purportedly used to  
14 cause the death of Jeb Brock?

15 A So my -- my role in this -- so I didn't  
16 actually examine the firearms. I reviewed the report  
17 and everything. But with the comparison process, an  
18 analyst goes through, compares the bullets to --  
19 unknown bullets to knowns that we get from the sample  
20 firearm on a comparison microscope.

21 When that analyst draws a conclusion, a  
22 second qualified analyst comes in and verifies that --  
23 that -- that conclusion on the microscope. In this  
24 particular case, I'm the verifying analyst. The --  
25 the analyst who was the primary is on vacation this

## Examination of Travis Gover

1 week, so I'm basically testifying to his -- his report  
2 and the results of his report.

3 Q And was the analyst who conducted the  
4 underlying analysis Dan Alessio?

5 A That's correct.

6 Q And has he worked with you at the Oregon  
7 State Crime Lab?

8 A Yes. He was hired about nine months after I  
9 was initially. And I think he was hired in -- right  
10 at the end of 1999, too.

11 Q Okay. And have you had a chance to review  
12 the report -- or analytical report that he generated  
13 dated May 13th, 2019?

14 A Yes, I have.

15 Q Could you take us through, generally  
16 speaking, when you receive firearms for analysis, what  
17 do you do?

18 A So when we receive a firearm for analysis in  
19 a case like this, we go through and the -- we're  
20 checking the safeties on this particular type of  
21 firearm. These firearms are Glocks. They have a -- a  
22 safety built into the trigger.

23 So we'll note whether or not that this  
24 safe -- trigger safety is operating like it should  
25 when it was, you know, shipped from the manufacturer.

## Examination of Travis Gover

1       So with the report will come out -- if there's  
2       anything that's found that's, you know, questionable,  
3       that'll be reported.

4               If we go -- if we go through the -- our  
5       analysis of the firearm, we test-fire it to make sure  
6       it's actually operable. The report is going to simply  
7       say that the test -- the firearm was test-fired and  
8       found to be operable. That's our way of saying that  
9       we didn't find anything unusual in our examination of  
10      the particular firearm.

11           Q     Okay. And, in this case, the Oregon State  
12      Crime Lab received two Glock pistols?

13           A     That's correct.

14           Q     And what were the serial numbers on those?

15           A     So one of the serial numbers received was  
16      XTA027. And a second Glock semiautomatic pistol that  
17      we received was KDD650.

18           Q     Okay. And were both of those guns  
19      test-fired?

20           A     Yes.

21           Q     And what were the results?

22           A     So each was test-fired. Let's see. Where  
23      is it? So we -- it was -- they were test fired using  
24      some of the exhibit ammunition that was submitted with  
25      it. And each of the -- the firearms was found to be

## Examination of Travis Gover

1 operable, so --

2 Q Okay. And then did you also receive two  
3 nine millimeter Luger-caliber cartridge cases?

4 A Yes, we did.

5 Q Could you explain what those are?

6 A So before describing the actual, you know,  
7 fired cartridge casing, I'm going to back up a little  
8 bit and just give you some general terminology that we  
9 use. One is the cartridge. It's the unfired  
10 component.

11 It's consisting of four, basically, pieces.  
12 One is the bullet, which is the actual projectile that  
13 goes down the barrel and downrange. Second is the  
14 cartridge case. Third is the -- the gunpowder within  
15 the -- the cartridge case. And the fourth is what we  
16 refer to as a primer, which is basically at the base  
17 of the cartridge case, it holds a small amount of  
18 explosive compound.

19 And when the firing pin of the -- of the  
20 firearm hits that, causes a little explosion, flashes  
21 through a hole, ignites the powder, generates pressure  
22 and that's what pushes the bullet down the barrel.  
23 Those are the four components.

24 So the two pieces that we received were  
25 nine-millimeter Luger-caliber cartridge cases, so

## Examination of Travis Gover

1       that's just the fired cartridge case by itself after  
2       it's been fired in a firearm.

3             Q       Okay. And did you also receive two bullets?

4             A       Yes, we did. So, received two bullets and  
5       if you -- if you look at the report, one of them says,  
6       ".38/nine-millimeter caliber." So that description is  
7       basically saying .38 as a -- as a family. It's like  
8       saying Chevrolet.

9                    The nine millimeter is -- is kind of also  
10       the same. And you can -- they -- they basically have  
11       the same diameter. So there's a bunch of different  
12       cartridges out there that have the same diameter  
13       bullet.

14                   So if we can't differentiate down to, you  
15       know, exactly which one it is, we'll refer to it  
16       within that family of -- of bullet sizes.

17                   So one of them is a .38/nine millimeter --  
18       slash nine-millimeter caliber and the other one was  
19       damaged up enough, it looks like, where we couldn't  
20       really determine, you know, what family it fell into.

21             Q       Okay. And how is it actually documented in  
22       the report?

23             A       So with -- with ours, we have our lab  
24       exhibit numbers. So our Lab Exhibit No. 5 is one  
25       fired .38/nine-millimeter caliber bullet weighing

## Examination of Travis Gover

1       145.1 grains. Grains is one of those measurements  
2       that firearms uses pretty much by itself.

3               It's -- we're kind of -- firearm's kind of  
4       out there on its own and nobody really knows why they  
5       still use it, but they do. And, second, our Lab No.  
6       Exhibit 6 is four lead and copper bullet fragments  
7       weighing a total of 99.5 grains, is how they're  
8       described.

9               Q     Okay. Now, first, I want to ask you about  
10      comparing cartridge casings to -- back to an actual  
11      firearm. How do you do that?

12              A     Okay. So when -- after we've test-fired the  
13      firearm, for us, we'll go out and we'll -- we have  
14      a -- a firing range and we have a water tank that we  
15      shoot into. That way, we can collect fired bullets in  
16      a pristine condition as well as the cartridge cases.

17                    So after we've done that test-fire, we have  
18      our known samples. We know which gun they came from.  
19      We keep them separate and fire them at separate times  
20      if they're the same type of firearm.

21                    So we'll take those, basically, known  
22      specimens back into our lab area where we have two  
23      or three what we call comparison microscopes. So  
24      it's -- you can imagine you have, you know, the -- the  
25      microscope you used in high school, just set of



## Examination of Travis Gover

1       optics, one stage. Well, our microscopes are a little  
2       bit more specialized. We have two stages side by side  
3       and one set of optics.

4               Q       Hmm.

5               A       So those two stages come up into what we  
6       refer to as an optical bridge. So it, basically,  
7       allows both -- you know, both images to come up and be  
8       seen in one field of view, almost like on a split  
9       screen. So we have a line in the center of our -- our  
10      screen.

11                    So it magnifies any of the detail on the  
12      cartridge cases or on the bullets and we can see  
13      that -- that detail side by side with each other. So  
14      with cartridge cases, as I was mentioning earlier with  
15      the firing process, the gunpowder is burned inside  
16      that cartridge case.

17                    It's pushing the bullet down the barrel  
18      with pressure. But at the same time, it's pushing the  
19      cartridge case back into the firearm into an area we  
20      refer to as the breach face. So within that breach  
21      face, there is machined marks that we've been able  
22      to show through research that are unique to that  
23      particular firearm.

24                    So those marks are being imprinted on the  
25      base of the cartridge case; or, depending on the --

## Examination of Travis Gover

1     how the firearm works, they may be, you know, pushed  
2     into it and then they may be sheared off, you know,  
3     and creating, you know, other, what we refer to as,  
4     striated marks.

5                 So these are the marks that we're looking at  
6     under the comparison microscope. We're magnifying  
7     these using what we refer to as side lighting or  
8     oblique lighting, so the lighting's coming from the  
9     side. And all those striations, if we have them in  
10    the right orientation, will actually enhance so we can  
11    see them much easier.

12                So then once we've got them up on the  
13    microscope and we've got them in our field of view, we  
14    can rotate them around and orient them in the same  
15    orientation and actually line up any detail that has  
16    been imprinted or imparted from the firearm to those  
17    cartridge cases. And we can determine if a cartridge  
18    case was fired in that particular firearm.

19           Q     And how is it that a particular firearm, if  
20    it's constructed through an assembly line process with  
21    the same machine, presumably, making firearm after  
22    firearm after firearm, that these machine marks, as  
23    you've described, would be unique to that particular  
24    firearm?

25           A     Okay. So what -- what we've shown -- or --

## Examination of Travis Gover

1       and I say, "we." There's a -- an association that  
2       I belong to referred to as the Association of  
3       Firearm and Toolmark Examiners.

4               It's basically firearm examiners from around  
5       the world who are a member of one association that  
6       meet -- have a meeting -- annual meeting, which is  
7       where Dan Alessio was last week. And, basically, we  
8       present all that research and the ongoing research  
9       that we're still doing.

10              So in the past, we've done what we refer to  
11       as consecutively manufactured firearm studies. So  
12       we've managed to get some barrels from some  
13       manufacturers that have been made one right after the  
14       other, same with the -- the slides for the  
15       semiautomatic pistols.

16              You have the breach faces that were machined  
17       with -- consecutively. What's it's shown is that,  
18       through that machining process, at a microscopic  
19       level, the -- the cutting edge -- you talk about a --  
20       a metal cutting edge cutting, basically, another  
21       hard metal.

22              A -- at a microscopic level, that sharp  
23       cutting edge is changing as it's making a cut. So  
24       after it cuts one and moves on to the next one, that  
25       cutting surface has changed just enough to render the

## Examination of Travis Gover

1 next cut unique and so on down the line.

2 Another part of the process that, basically,  
3 renders a firearm unique is through use and abuse.  
4 You know, it's dropped, damaged, something else, hard  
5 metal comes in contact with the breach face, it's  
6 going to impart marks randomly that, basically, can't  
7 be reproduced, you know, just out of -- out of chance.  
8 So that adds to the uniqueness of the firearm --  
9 particular firearm.

10 And it's kind of the same way with the  
11 barrels. We've done consecutively manufactured  
12 studies where you take what we refer to as a barrel  
13 blank, which might be a piece, you know, six feet,  
14 eight feet long. One tool basically cuts down through  
15 that middle of that barrel creating the rifling.

16 And then they take that and they chop it up  
17 into sections and they create however many firearms  
18 they can out of it. So they've -- we've taken  
19 consecutively manufactured pieces, so, you know, two  
20 pieces that were cut right from one, you know, piece  
21 of bar stock and followed them all the way through the  
22 assembly process until they were finished, received --  
23 retrieved test-fired bullets from them and compared  
24 those bullets to each other to see how much agreement  
25 there is and then also then to look at two bullets

## Examination of Travis Gover

1 fired from, you know, one particular firearm to see  
2 the level of agreement.

3 And the -- the level of agreement is  
4 considerably different between the two different  
5 firearms, so it shows that there's uniqueness and it  
6 also gives us a baseline to base our comparisons  
7 off of.

8 Q Okay. And when you say, "agreement,"  
9 essentially meaning --

10 A The striated marks --

11 Q -- whether they match?

12 A The -- yes. The striated marks is what  
13 we're looking for and the level of agreement between  
14 the different firearms and the same firearms.

15 Q Okay. If you look up on the board here,  
16 what -- what do we see?

17 A It looks like -- well, I can see the serial  
18 number on the side of the slide, but that's one of the  
19 Glock semiautomatic pistols that we examined,  
20 the XTA027.

21 Q Okay. And this -- and this is labeled in  
22 the photograph as "Officer Gonzalez Glock 17" --

23 A Okay. Yes.

24 Q -- "with a [REDACTED] round"? Is that what  
25 it says?

## Examination of Travis Gover

1           A     Yes.

2           Q     Okay.  Could you describe for us where in  
3 this firearm some of those things you just described  
4 actually are occurring?

5           A     I can.  If I can --

6           Q     You can come on up.

7           A     -- much easier than trying to -- here we go.

8                     So when I refer to the breach face area that  
9 the cartridge case is going to make contact with, it's  
10 not easy to see.  But down inside -- this is what we  
11 refer to as the ejection port.  So that breach face is  
12 basically the back side of this cutout on the slide.

13                    So when this is closed up, the cartridge,  
14 when it's sitting in the [REDACTED] is going to be  
15 supported by that back-side breach face area when it's  
16 loaded up, when it's closed up and loaded.  So it'd be  
17 basically loaded into the [REDACTED] here.  The slide  
18 will be forward supporting the back end of that.

19                    So when the firearm's fired, bullet goes  
20 down the barrel downrange.  But all that pressure, at  
21 the same time, is pushing backwards into the cartridge  
22 case, which is pushing on that breach face area.

23                    And that allows it -- in this particular  
24 type of firearm, the barrel and the slide will stay  
25 actually locked together for about an eighth to maybe

## Examination of Travis Gover

1 a quarter of an inch, maybe not even that far.

2 And then this barrel will actually drop  
3 down 'cause it -- a mechanism inside unlocking and  
4 allowing that slide to, basically, continue backwards  
5 and extracting any -- basically, ejecting the  
6 cartridge case out of the firearm.

7 Q And then is this a semiautomatic --

8 A This is a --

9 Q -- handgun?

10 A Yeah. This is what is referred to as a  
11 semiautomatic pistol.

12 Q So what does that mean?

13 A So with a semiautomatic pistol, we have a --  
14 a feeding source for ammunition, which is referred to  
15 as a magazine. The magazine may hold 17,  
16 18 cartridges, and is actually inserted up in through  
17 the bottom of the grip.

18 So in this configuration, how it's sitting  
19 with the slide locked open, if the magazine were to go  
20 up inside -- and there's a release on the other side  
21 of the slide -- once it's let go, that -- basically,  
22 that slide, this piece right here, is going to move  
23 forward under spring tension.

24 And it's going to strip that first cartridge  
25 off the top of that magazine and it's basically going

## Examination of Travis Gover

1 to load it up into the [REDACTED] So when the firearm  
2 is fired -- and we just went through that process of  
3 bullet goes downrange, cartridge case basically pushes  
4 back, causes that to lead to that extraction/ejection.

5 So once that cartridge case is extracted and  
6 ejected, this slide is all the way back. And under  
7 spring tension, it's going to move forward again,  
8 stripping off the next cartridge and moving it into  
9 the [REDACTED] to be fired.

10 So once the trigger is pulled again, that  
11 cycle -- what we call the cycle of fire repeats itself  
12 until that magazine is empty. And, at that point, the  
13 piece pushes up and it locks the slide backwards.

14 Q How is that different than an automatic  
15 weapon?

16 A So with an automatic or a full automatic,  
17 you have the same type of -- they make actually a full  
18 automatic -- full automatic version of one of these,  
19 which is not imported into this country. But once you  
20 pull the trigger and you hold the trigger, that  
21 process is going to continue without -- until the  
22 trigger is released.

23 So a semiautomatic firearm, you pull the  
24 trigger. It goes -- it shoots one time. It has what  
25 they call the disconnect. It disconnects the firing



## Examination of Travis Gover

1 mechanism. So, actually, it loads in so the trigger  
2 has to be reset each time before it can be fired  
3 again. Full automatic, pull the trigger, it keeps  
4 going until the trigger is released or it's empty.

5 MR. JACKSON: Okay. Are there any questions  
6 about that?

7 I don't see any.

8 Thank you. You can have a seat.

9 BY MR. JACKSON:

10 Q So when the cartridge cases that were  
11 recovered from the scene were compared to the  
12 test-fired cartridge casings from the two  
13 semiautomatic pistols, Serial No. XTA027 and KDD650,  
14 what did you find?

15 A So what was found is that our -- our Lab  
16 Exhibit No. 3, which is one fired nine-millimeter  
17 Luger-caliber cartridge case, was identified as  
18 being fired in our Lab Exhibit 1, which is a Glock  
19 semiautomatic pistol, Serial No. XTA027.

20 And then our Lab Exhibit No. 4, which is the  
21 second fired nine-millimeter Luger-caliber cartridge  
22 case, was identified as being fired in our Lab  
23 Exhibit 2, which is the nine-millimeter Luger-caliber  
24 Glock, Serial No. KDD650.

25 Q And so what does that, essentially, mean?

## Examination of Travis Gover

1           A     So one cartridge case was fired from one  
2     Glock.  The second cartridge case was fired from the  
3     other Glock semiautomatic pistol.

4           Q     Okay.  In terms of the analysis of the  
5     actual bullets, themselves, what did you find there?

6           A     So in that, one of the exhibits -- it was  
7     Exhibit 6, which was the -- so the four lead fragment  
8     -- lead and copper bullet fragments and Exhibit --  
9     Exhibit 6, I think, was one larger copper fragment,  
10    which is the majority of the jacket of the bullet,  
11    that was identified as being fired in the Exhibit 1  
12    Glock semiautomatic pistol, Serial No. XTA027.

13          Q     Okay.  And just for our reference, your  
14    Exhibit 1, which is XTA027 --

15          A     Yes.

16          Q     -- if we look on the screen, that's  
17    identified in this photograph as Officer Gonzalez's --

18          A     Okay.

19          Q     -- semiautomatic --

20          A     Yes.

21          Q     -- pistol?  Okay.  And then the other  
22    semiautomatic pistol that you and Mr. Alessio  
23    examined, if we look on the screen, that's Serial  
24    No. XDD650?

25          A     I believe it's KDD, if I'm not mistaken.

## Examination of Travis Gover

1 Q I'm sorry. KDD, yeah.

2 A Yes.

3 Q You're right. KDD650. And what is that  
4 labeled as in this photograph?

5 A That'd be Sergeant Mooney.

6 Q Sergeant Mooney's Glock 17?

7 A Correct.

8 Q Okay. So you talked about the four lead and  
9 copper bullet fragments matching to Exhibit 1 --

10 A Correct.

11 Q -- which was XTA027. What about the other  
12 bullet that was received?

13 A So the other bullet that was received was  
14 compared to both -- it would be our Exhibit 1,  
15 I think, was Gonzalez and our Exhibit 2, Sergeant  
16 Mooney's, Glock. And was inconclusive, basically,  
17 because of a -- due to a lack of that individual  
18 detail I referred to earlier from being fired down the  
19 bullet -- fired down the barrel.

20 So not -- it's not 100 percent of the time  
21 that we're going to receive marks that we can use when  
22 a bullet is fired down a barrel, so there are times  
23 when there's going to be a lack of detail or an  
24 absence. And that's just because the firearm was --  
25 the way it was manufactured doesn't necessarily, you

## Examination of Travis Gover

1 know, produce those marks.

2 So -- so, at that point, from a scientific  
3 standpoint, we can't say it was fired in a firearm or  
4 if it wasn't fired in a firearm. We have a -- an  
5 inconclusive result, so --

6 Q And what are the -- the different  
7 conclusions that you can come to at the end of your  
8 analysis?

9 A So for -- we basically have an  
10 identification, which we ID a bullet or cartridge case  
11 as being associated to a particular firearm. We have  
12 exclusion where we can say a bullet or cartridge case  
13 was not fired in a particular firearm.

14 And then we have also the inconclusive,  
15 which is that we can't determine whether or not that  
16 particular, you know, bullet or cartridge case was  
17 fired in a firearm in question.

18 Q Okay. So the cartridge cases, themselves,  
19 you were able to match to the particular firearm. The  
20 bullet, one of them, you were able to match and the  
21 other was inconclusive?

22 A That's correct.

23 MR. JACKSON: Okay. All right. Those are  
24 the questions that I have. Do you folks have any  
25 questions? I don't see --

## Examination of Travis Gover

1           A GRAND JUROR: I do, but I have to --

2           MR. JACKSON: Oh.

3           A GRAND JUROR: -- figure out how to ask it.

4           This is -- I feel like this is kind of an overlapping  
5           question between -- between what you've done and then  
6           what the medical examiner did.

7           THE WITNESS: Yeah.

8           A GRAND JUROR: Is it possible -- like, do  
9           you know which casings or bullets took the -- the two  
10          different shots? Does that make sense? Like, can  
11          you, with the cartridges, at least, say, like, this  
12          shot from this gun was to the head and this one was to  
13          the chest?

14          THE WITNESS: That, I don't know. We don't  
15          get that information, necessarily. At least I didn't.  
16          I couldn't -- sometimes it's on the envelope, which I  
17          may have documented. I could see.

18          MR. JACKSON: I may be able to ask a  
19          follow-up question that we can get an answer to that  
20          for you.

21          A GRAND JUROR: Okay.

22          BY MR. JACKSON:

23           Q       But, Mr. Gover, in Dan Alessio's May 13,  
24           2019 report, does he list what specific Portland  
25           Police Bureau property receipts and item numbers those

## Examination of Travis Gover

1 items that were analyzed were listed under?

2 A Yes.

3 Q What are they?

4 A So our -- our Exhibit 1, which is the  
5 Gonzalez Glock, the XTA027, relates to Portland Police  
6 Bureau Property Receipt A109073. And those are the  
7 Items 1 through 5, which includes all of his magazine  
8 and his -- his ammunition.

9 Q Can you stop for just one minute? I think  
10 she's writing it down.

11 A GRAND JUROR: Mm-hmm.

12 THE WITNESS: Okay.

13 BY MR. JACKSON:

14 Q Yeah.

15 A Okay. The second Glock semiautomatic  
16 pistol, which I believe is Sergeant Mooney, Serial  
17 No. KDD650, was Portland Police Bureau's Property  
18 Receipt No. A109075, Items 1 through 5. So our  
19 Exhibit 3 bullets, which was identified to Sergeant --  
20 or cartridge case -- sorry -- was identified to  
21 Gonzalez, the XTA027. That's --

22 Q Sorry. That -- Exhibit 3 --

23 A Is a cartridge case.

24 Q -- was a cartridge case --

25 A Yes, cartridge case.

## Examination of Travis Gover

1           Q     -- that was matched back to  
2     Officer Gonzalez's --

3           A     Right.

4           Q     -- firearm?   Okay.

5           A     And that is -- receipt number for that  
6     is A135008.

7           Q     Item 1?

8           A     Item 1.

9           Q     Okay.

10          A     The second cartridge case, which is our  
11     Laboratory Exhibit 4, which I -- that was identified  
12     to the KDD650 serial-numbered Glock, receipt number  
13     is A135008, Item 2.

14                 Our exhibit -- the Laboratory Exhibit 5,  
15     which is the one fired .38 nine-millimeter-caliber  
16     bullet is the Property Receipt A121456, Item 1.  And  
17     our Lab Exhibit 6, which is the four lead and copper  
18     bullet fragments, is Agency -- or what we refer to as  
19     Property Receipt No. A121456, Item No. 2.

20                 MR. JACKSON:  Okay.  We can ask a follow-up  
21     question of Detective Law where those items were  
22     actually located and documented in the property  
23     receipts.  Are there any other questions for  
24     Mr. Gover?

25                 I don't see any.

## Examination of Travis Law

1 Thank you very much, sir.

2 THE WITNESS: Okay. Thank you.

3 MR. JACKSON: And why don't we take our  
4 morning break? We can go off the record.

5 (Recess taken, 11:33 a.m. - 11:38 a.m.)

6 MR. JACKSON: Okay. We're back on the  
7 record following our morning break. We're here with  
8 our next witness, Detective Law.

9 **TRAVIS LAW**

10 Was thereupon called as a witness; and, having been  
11 first duly sworn, was examined and testified as follows:

12 **EXAMINATION**

13 BY MR. JACKSON:

14 Q You can have a seat.

15 A Thank you.

16 Q And could you please state and spell  
17 your name.

18 A Travis Law, T-r-a-v-i-s, L-a-w.

19 Q Okay. And you testified yesterday -- I'm  
20 sorry -- Friday --

21 A Friday.

22 Q -- in this case, right?

23 A That is correct.

24 Q Lead detective for the officer-involved  
25 shooting investigation?



## Examination of Travis Law

1           A     Correct.

2           Q     Detective, in the course of your  
3 investigation, did you compile all of the property  
4 receipts documenting items of evidence that were  
5 obtained from the crime scene?

6           A     I did, yes.

7           Q     And also from the body of Mr. Brock during  
8 the autopsy?

9           A     That's correct.

10          Q     And, specifically, if you could look at  
11 Property Receipt A135008, Item 1, what is that  
12 identified as?

13          A     It is identified as a nine --  
14 nine-millimeter shell casing. And it is from the  
15 items that I removed from the laundry, as I mentioned  
16 during my earlier testimony, that was found in the  
17 bedroom.

18          Q     Okay. And is that description you just  
19 described actually on a different property receipt  
20 that is cross-referenced from A135008?

21          A     Yes.

22          Q     And what is that property receipt number?

23          A     A159636.

24          Q     Okay. On A135008, Item 2, what is that?

25          A     That is the nine-millimeter shell casing

## Examination of Travis Law

1       that was found on the bed.

2           Q     Okay. And, again, is that listed in --  
3       cross-referenced to a different property receipt where  
4       that description is?

5           A     It is. It's A159636.

6           Q     Okay. Now moving to Property Receipt  
7       No. A121456, Item 1 --

8           A     Yes.

9           Q     -- what is that?

10          A     That was the spent bullet removed from  
11       Mr. Brock's right back at autopsy.

12          Q     Okay. And A121456, Item 2?

13          A     That was the spent bullet removed from  
14       Mr. Brock's head at autopsy.

15          Q     Okay. And were there also bullet fragments  
16       and pieces of the copper jacketing that were recovered  
17       from the crime scene that belonged to that bullet?

18          A     Yes.

19          Q     Where were those located?

20          A     Ah, give me one moment.

21          Q     I just mean in the crime scene itself, do  
22       you remember where they were actually located?

23          A     In the bedroom, yes.

24          Q     Okay. Do you remember which parts of  
25       the bedroom?

## Examination of Travis Law

1           A     There was some bullet fragments on the bed,  
2     itself, and then there was some -- as shown in a  
3     picture during my earlier testimony, there was a paper  
4     bag with a -- a black shoe. And on top of the shoe,  
5     there were some fragments.

6           Q     Okay. The copper jacketing?

7           A     Copper jacketing.

8           MR. JACKSON: Okay. Does that answer your  
9     question about where those particular items were  
10    located within the crime scene?

11          A GRAND JUROR: Yes.

12          MR. JACKSON: Okay. Are there any other  
13    questions about that?

14          I don't see any.

15    BY MR. JACKSON:

16          Q     Okay. Detective Law, when you testified  
17    earlier, you said that there was a GPS monitor that  
18    was identified on Mr. Brock's ankle.

19          A     Correct.

20          Q     Did you investigate that and determine which  
21    company that GPS monitor had come from and what the  
22    data contained in the GPS monitor was?

23          A     Yes, I did. It was Vigilnet,  
24    V-i-g-i-l-n-e-t. I contacted a representative from  
25    that company and they provided me a report concerning

## Examination of Travis Law

1 the data points or locations that -- of that bracelet.  
2 It was installed on April 26, 2019 at 2:44 p.m.

3 Q Okay. And were you able to identify from  
4 the data on what dates and when Mr. Brock arrived at  
5 the address [REDACTED] and when he  
6 left that address?

7 A Yes, I was.

8 Q So from the time that the GPS monitor was  
9 put on on April 26, 2019 at 2:44 p.m., when did he  
10 first arrive at [REDACTED] Southeast [REDACTED]

11 A He arrived on 4-27, so the next day, at  
12 9:25 a.m. He left that same day at 1:12 p.m., left  
13 the residence; returning again later that same day at  
14 1:48 p.m., and then left the residence again on the  
15 27th at 6:39 p.m.

16 Q And did he come back at any point during the  
17 rest of April 27th, 2019?

18 A No. He did not return until April 28th at  
19 12:39 p.m.

20 Q Okay.

21 A Left again approximately eight hours later  
22 on the 28th at 8:21 p.m., and then returned to the  
23 residence again at 9:04 p.m. And then left the  
24 residence at 10:15 p.m. on the 28th.

25 MR. JACKSON: Are we going too fast --

## Examination of Travis Law

1 THE WITNESS: I'm sorry.

2 MR. JACKSON: -- for the note taking?

3 We're okay.

4 BY MR. JACKSON:

5 Q All right. So April 28th, 2019, 10:15 p.m.,  
6 he left the residence?

7 A Correct.

8 Q And when did he return?

9 A He returned to the residence on April 29th  
10 at 1:48 a.m., which would have been several hours  
11 prior to this incident.

12 Q Okay. And what time did the actual first  
13 9-1-1 call come in to dispatch?

14 A 4:14 a.m.

15 Q On April 29th?

16 A That is correct.

17 MR. JACKSON: Okay. Are there any questions  
18 about that?

19 I don't see any.

20 BY MR. JACKSON:

21 Q Detective, in the course of your  
22 investigation, did you obtain -- or did you learn that  
23 multiple 9-1-1 calls were made arising out of this  
24 incident?

25 A Yes. There were three 9-1-1 calls made from

## Examination of Travis Law

1 the residence at [REDACTED] on [REDACTED] And those residents  
2 were Delbert Littlejohn, Betty Littlejohn and [REDACTED] --

3 Q [REDACTED] --

4 A -- [REDACTED]

5 Q -- [REDACTED] Okay. And did you obtain those  
6 recordings from the Bureau of Emergency Communication?

7 A I did, yes.

8 Q All right. Have you listened to them?

9 A I have.

10 Q Do they appear to be the recordings that  
11 were captured of those 9-1-1 calls made by Delbert  
12 Littlejohn, [REDACTED] and Betty Littlejohn?

13 A Yes.

14 MR. JACKSON: Okay.

15 (**TRANSCRIBER'S NOTE:** Audio recording  
16 played, 11:45 a.m., as follows:)

17 9-1-1 DISPATCHER: 9-1-1.

18 (**TRANSCRIBER'S NOTE:** Audio recording  
19 stopped, 11:45 a.m.)

20 THE WITNESS: So the first recording you're  
21 going to hear is from Delbert Littlejohn.

22 (**TRANSCRIBER'S NOTE:** Audio recording  
23 played, 11:46 a.m., as follows:)

24 DELBERT LITTLEJOHN: I've been stabbed.

25 I -- I need help.

## Examination of Travis Law

1 9-1-1 DISPATCHER: Where you at?

2 DELBERT LITTLEJOHN: [REDACTED] Southeast

3 [REDACTED] Street.

4 9-1-1 DISPATCHER: All right. And --

5 DELBERT LITTLEJOHN: I've been hit in the  
6 head -- I've been hit --

7 9-1-1 DISPATCHER: Who --

8 DELBERT LITTLEJOHN: -- with a hammer --

9 9-1-1 DISPATCHER: (Indiscernible) --

10 DELBERT LITTLEJOHN: -- stabbed in the leg.  
11 I'm bleed -- I'm bleeding. I -- I -- I need help,  
12 please.

13 9-1-1 DISPATCHER: We have some help on the  
14 way out there. Who did this to you?

15 DELBERT LITTLEJOHN: (Indiscernible) hear --  
16 hear the yelling?

17 9-1-1 DISPATCHER: Mm-hmm.

18 DELBERT LITTLEJOHN: (Indiscernible) come  
19 on. Please hurry.

20 9-1-1 DISPATCHER: How old are you, sir?

21 DELBERT LITTLEJOHN: Come on. I'm 47. Come  
22 on. I got blood running down my leg.

23 9-1-1 DISPATCHER: (Indiscernible).

24 DELBERT LITTLEJOHN: My head's bleeding.  
25 Come on.

## Examination of Travis Law

1 9-1-1 DISPATCHER: The help is coming.

2 DELBERT LITTLEJOHN: (Indiscernible),

3 please.

4 9-1-1 DISPATCHER: The help is coming right

5 now. If you can --

6 DELBERT LITTLEJOHN: (Indiscernible).

7 9-1-1 DISPATCHER: -- I want you to get a

8 clean, dry cloth and apply (indiscernible) --

9 DELBERT LITTLEJOHN: Well, I can't. I --

10 I --

11 9-1-1 DISPATCHER: -- direct pressure

12 to where --

13 DELBERT LITTLEJOHN: Oh, my God.

14 9-1-1 DISPATCHER: -- you're bleeding from.

15 Just put your hand on --

16 DELBERT LITTLEJOHN: My hands are on my leg.

17 I've been stabbed.

18 9-1-1 DISPATCHER: Okay. All right. Just

19 put your hand --

20 DELBERT LITTLEJOHN: (Indiscernible) hammer.

21 9-1-1 DISPATCHER: -- on top of it then,

22 okay? Just hang on.

23 DELBERT LITTLEJOHN: I do.

24 9-1-1 DISPATCHER: I got help coming.

25 DELBERT LITTLEJOHN: I got it running down



## Examination of Travis Law

1 my -- oh, my God. It's running down my face.

2 Hey, I need a towel.

3 You hear that yelling?

4 9-1-1 DISPATCHER: Are you inside a vehicle  
5 or outside on foot?

6 DELBERT LITTLEJOHN: No, I'm in a house --  
7 I'm -- I'm in a backyard.

8 9-1-1 DISPATCHER: Oh, okay. And is it  
9 [REDACTED] Southeast [REDACTED]

10 DELBERT LITTLEJOHN: Yes, come on.

11 9-1-1 DISPATCHER: Who stabbed you?

12 DELBERT LITTLEJOHN: The back of my leg  
13 is bleeding. I've been stabbed in the calf on my  
14 left leg.

15 9-1-1 DISPATCHER: Well, who stabbed you?

16 (Indiscernible yelling in the background.)

17 9-1-1 DISPATCHER: Who was it who stabbed  
18 you, sir?

19 DELBERT LITTLEJOHN: We've been stabbed  
20 in here.

21 9-1-1 DISPATCHER: I understand that, sir.  
22 There's help coming right now.

23 DELBERT LITTLEJOHN: No, but look. My --  
24 my cousin --

25 9-1-1 DISPATCHER: What I'd like to do --

## Examination of Travis Law

1 DELBERT LITTLEJOHN: -- got stabbed in  
2 the neck.

3 9-1-1 DISPATCHER: Your cousin also got  
4 stabbed in the neck?

5 DELBERT LITTLEJOHN: Yes, it was -- come on.  
6 My aunt's on the phone calling (indiscernible).

7 9-1-1 DISPATCHER: Is he still conscious?

8 DELBERT LITTLEJOHN: (Indiscernible). Oh,  
9 my God.

10 9-1-1 DISPATCHER: Is your cousin conscious?

11 DELBERT LITTLEJOHN: Please. My aunt's  
12 calling you guys right now.

13 9-1-1 DISPATCHER: I understand that, sir.  
14 There's a lot of help coming 'cause she already  
15 called. What I'd like for you to do, please, is tell  
16 me, who is it that stabbed you?

17 DELBERT LITTLEJOHN: Jeb Brock.

18 9-1-1 DISPATCHER: Where is Jeb?

19 DELBERT LITTLEJOHN: My -- my -- my  
20 uncle's son.

21 9-1-1 DISPATCHER: Okay. Where is he at  
22 right now?

23 DELBERT LITTLEJOHN: He's in the house.

24 9-1-1 DISPATCHER: Where in the house? Do  
25 you know?

## Examination of Travis Law

1 DELBERT LITTLEJOHN: Yeah, I don't know.

2 I -- I -- he's in the back, I guess. I don't know.

3 9-1-1 DISPATCHER: Okay.

4 DELBERT LITTLEJOHN: Oh, I need some towels.

5 9-1-1 DISPATCHER: How old is Jeb?

6 DELBERT LITTLEJOHN: I don't know. I really  
7 don't know. Oh, my God. Oh --

8 9-1-1 DISPATCHER: Just approximately.

9 Like, in his 20s or --

10 DELBERT LITTLEJOHN: Oh --

11 9-1-1 DISPATCHER: How is your cousin doing?  
12 Is he conscious?

13 DELBERT LITTLEJOHN: I don't know. He's  
14 (indiscernible) his neck and -- there's the blood all  
15 over the floor. Oh, my God.

16 9-1-1 DISPATCHER: Where -- where'd he go?

17 DELBERT LITTLEJOHN: I don't know. I think  
18 he's still in the back.

19 9-1-1 DISPATCHER: In the backyard or in the  
20 back of the house?

21 DELBERT LITTLEJOHN: In the -- in the house.

22 9-1-1 DISPATCHER: Okay.

23 DELBERT LITTLEJOHN: Oh. Yeah. The first  
24 thing, he came in with -- hit me in the top of the  
25 head with a five-pound mini sledge and then he started

## Examination of Travis Law

1       stabbing.

2                   9-1-1 DISPATCHER:   Okay.

3                   DELBERT LITTLEJOHN:   I don't know if he's on  
4       drugs or (indiscernible).

5                   9-1-1 DISPATCHER:   Does he live there?

6                   DELBERT LITTLEJOHN:   He -- he would -- see,  
7       I've -- I've been gone to Madras for a few days.

8                   9-1-1 DISPATCHER:   Okay.

9                   DELBERT LITTLEJOHN:   Oh, my God.

10                  9-1-1 DISPATCHER:   Do you know if Jeb  
11       lives there?

12                  DELBERT LITTLEJOHN:   I just got back  
13       yesterday.   Huh?

14                  9-1-1 DISPATCHER:   Does he live there at the  
15       house?   Do you know?

16                  DELBERT LITTLEJOHN:   Ah, no.   I don't know.  
17       I -- no.

18                  9-1-1 DISPATCHER:   Okay.

19                  DELBERT LITTLEJOHN:   I got back -- I got  
20       back yesterday and he was here.

21                  9-1-1 DISPATCHER:   All right.   I'm going to  
22       hang on the line with you.   We got a whole bunch of  
23       people on the way.   Just bear with me here.

24                  DELBERT LITTLEJOHN:   All right.   Oh, oh.

25       Attempted Murder, man.   It's not a Measure 11.   It's

## Examination of Travis Law

1       both.

2                   9-1-1 DISPATCHER: I need to tell the police  
3       where Jeb is, okay?

4                   DELBERT LITTLEJOHN: I think he's still in  
5       the back end of the house.

6                   9-1-1 DISPATCHER: Can you -- I know  
7       everybody's kind of hysterical. I know there's a  
8       whole bunch of stuff going on, but we need to ask --  
9       ask that lady who's screaming where Jeb is. Police  
10      need to know.

11                  DELBERT LITTLEJOHN: But I -- I got a --

12                  9-1-1 DISPATCHER: Ask where Jeb is.

13                  DELBERT LITTLEJOHN: I don't feel like  
14      (indiscernible), so --

15                  9-1-1 DISPATCHER: Say, "Where's Jeb?"

16                  DELBERT LITTLEJOHN: I don't feel like  
17      (indiscernible).

18                  9-1-1 DISPATCHER: Okay. Are you talking to  
19      the police --

20                  DELBERT LITTLEJOHN: I -- my --

21                  9-1-1 DISPATCHER: -- or are you talking  
22      to me?

23                  DELBERT LITTLEJOHN: Oh, no, I'm talking  
24      to you.

25                  9-1-1 DISPATCHER: Okay. So ask

## Examination of Travis Law

1       those people --

2               DELBERT LITTLEJOHN:  (Indiscernible) people  
3       out here.

4               9-1-1 DISPATCHER:  -- where Jeb is.

5               DELBERT LITTLEJOHN:  I don't -- I don't --  
6       I -- I -- I --

7               9-1-1 DISPATCHER:  The -- the help can't  
8       come in to you guys until we isolate him as a threat.

9               DELBERT LITTLEJOHN:  Well, see, I don't know  
10       what he -- what he -- what he's doing, but there's  
11       people outside screaming.

12               9-1-1 DISPATCHER:  So everyone -- okay.  If  
13       you can, I need you to ask somebody where Jeb is.

14               DELBERT LITTLEJOHN:  (Indiscernible).  Look  
15       at the blood.

16               9-1-1 DISPATCHER:  Don't worry too  
17       much about --

18               DELBERT LITTLEJOHN:  (Indiscernible) --

19               9-1-1 DISPATCHER:  -- the blood.  Just  
20       keep --

21               DELBERT LITTLEJOHN:  -- squatter house  
22       (indiscernible).

23               9-1-1 DISPATCHER:  -- keep pressure --  
24       keep pressure on yours.  I got the world coming to  
25       help you, man.

## Examination of Travis Law

1 DELBERT LITTLEJOHN: (Indiscernible).  
2 9-1-1 DISPATCHER: But we can't come in  
3 that house --  
4 DELBERT LITTLEJOHN: I'm -- I --  
5 9-1-1 DISPATCHER: -- without knowing --  
6 DELBERT LITTLEJOHN: -- I'm sorry.  
7 (Indiscernible).  
8 9-1-1 DISPATCHER: Yes, it's okay.  
9 DELBERT LITTLEJOHN: (Indiscernible).  
10 9-1-1 DISPATCHER: I know. I know. It's  
11 okay. But listen. We can't --  
12 DELBERT LITTLEJOHN: I'm (indiscernible) --  
13 9-1-1 DISPATCHER: -- get in the house --  
14 DELBERT LITTLEJOHN: -- I -- I don't mean to  
15 be (indiscernible).  
16 9-1-1 DISPATCHER: -- until we -- you're --  
17 you're fine. I'd -- I'd do the same thing if I was  
18 stabbed. But I'm saying we can't go in the house  
19 until we know where Jeb is. So if possible --  
20 DELBERT LITTLEJOHN: (Indiscernible).  
21 9-1-1 DISPATCHER: Okay. He -- he --  
22 DELBERT LITTLEJOHN: I'm going to --  
23 9-1-1 DISPATCHER: -- he might have left on  
24 foot or in a vehicle?  
25 DELBERT LITTLEJOHN: I have no idea. He's

## Examination of Travis Law

1       probably -- I don't know.

2                   9-1-1 DISPATCHER: All right.

3                   DELBERT LITTLEJOHN: But he's here in  
4       the house.

5                   9-1-1 DISPATCHER: Okay.

6                   DELBERT LITTLEJOHN: I'm -- I'm -- I'm -- I  
7       got to go in the room and get my other slipper. Oh.  
8       Oh, my God. Just -- what a freaking -- blood all over  
9       the bed.

10                  9-1-1 DISPATCHER: How old are you?

11                  DELBERT LITTLEJOHN: 47. I'm going -- okay.  
12       I'm -- I'm going -- the -- the -- the -- the -- I got  
13       the EMS here or whatever, I guess. I don't know.

14                  9-1-1 DISPATCHER: Okay. Are the  
15       police there?

16                  DELBERT LITTLEJOHN: Uncle John's been  
17       stuck.

18                  9-1-1 DISPATCHER: Where did Uncle John  
19       get stabbed?

20                  DELBERT LITTLEJOHN: I don't know.

21                  9-1-1 DISPATCHER: Are those the police?

22                  DELBERT LITTLEJOHN: I don't know.

23                  (Indiscernible background yelling.)

24                  9-1-1 DISPATCHER: (Indiscernible).

25                  DELBERT LITTLEJOHN: (Indiscernible) in the



## Examination of Travis Law

1 bedroom with a baby.

2 (TRANSCRIBER'S NOTE: Audio recording  
3 stopped, 11:51 a.m.)

4 BY MR. JACKSON:

5 Q Is that where the call ends?

6 A Yes.

7 Q Did you also obtain a 9-1-1 call initiated  
8 by [REDACTED]

9 A I did.

10 (TRANSCRIBER'S NOTE: Audio recording  
11 played, 11:51 a.m., as follows:)

12 9-1-1 DISPATCHER: 9-1-1. What's the  
13 address of your emergency?

14 [REDACTED] Somebody just got stabbed --

15 (TRANSCRIBER'S NOTE: Audio recording  
16 stopped, 11:51 a.m.)

17 BY MR. JACKSON:

18 Q Is this the call?

19 A It is.

20 (TRANSCRIBER'S NOTE: Audio recording played  
21 in open court, 11:51 a.m., as follows:)

22 9-1-1 DISPATCHER: 9-1-1. What's the  
23 address of your emergency?

24 [REDACTED] Somebody just got stabbed in  
25 my house. I don't know what's happening --

## Examination of Travis Law

1                   9-1-1 DISPATCHER: Well --  
2                   [REDACTED] -- (indiscernible) in  
3 the room.  
4                   9-1-1 DISPATCHER: -- what address are you  
5 at?  
6                   [REDACTED] [REDACTED] Southeast [REDACTED]  
7 Street. I don't know what's happening. They're  
8 trying to --  
9                   9-1-1 DISPATCHER: That --  
10                  [REDACTED] -- get him out of the room.  
11                  9-1-1 DISPATCHER: That was [REDACTED] Southeast  
12 [REDACTED]  
13                  [REDACTED] Yes.  
14                  9-1-1 DISPATCHER: Is that a house  
15 or apartment?  
16                  [REDACTED] House.  
17                  9-1-1 DISPATCHER: All right. And so  
18 inside, someone got stabbed?  
19                  [REDACTED] Yes.  
20                  9-1-1 DISPATCHER: Okay. One moment,  
21 please. Don't hang up the phone, okay?  
22                  (Screaming.)  
23                  9-1-1 DISPATCHER: Don't -- are you  
24 still there?  
25                  (Screaming.)

## Examination of Travis Law

1 9-1-1 DISPATCHER: Are you still there?

2 [REDACTED] My baby's right there. My  
3 baby's right there. Please, my baby is right there.  
4 My baby is right there. Oh, God, please.

5 9-1-1 DISPATCHER: The -- we have -- we --  
6 we have the police and medical starting that way now.  
7 So do you know --

8 [REDACTED] My baby. Please, please,  
9 please.

10 9-1-1 DISPATCHER: Who -- who stabbed the  
11 person?

12 [REDACTED] (Indiscernible).

13 9-1-1 DISPATCHER: Who -- who -- who got  
14 stabbed? What happened?

15 [REDACTED] I don't know. Please  
16 (indiscernible), please.

17 9-1-1 DISPATCHER: Okay.

18 [REDACTED] Please.

19 9-1-1 DISPATCHER: So the --

20 [REDACTED] (Indiscernible).

21 9-1-1 DISPATCHER: -- suspect is still  
22 inside?

23 [REDACTED] Please help me.

24 9-1-1 DISPATCHER: Can you -- can you go  
25 someplace safe?

## Examination of Travis Law

1                   [REDACTED] No, I can't. He's in the  
2 room. (Indiscernible) my baby. Please help me.

3                   9-1-1 DISPATCHER: Where's -- okay. Can you  
4 go to a -- a safer place so I can ask --

5                   [REDACTED] No, I can't. He --

6                   9-1-1 DISPATCHER: -- you questions?

7                   [REDACTED] No, I can't.

8                   9-1-1 DISPATCHER: Okay. So what's  
9 the condition --

10                  [REDACTED] (Indiscernible) --

11                  9-1-1 DISPATCHER: -- of the person that  
12 got stabbed?

13                  [REDACTED] -- (indiscernible) somebody  
14 (indiscernible) out here right now. Please. Please,  
15 please, please send somebody out here.

16                  (Indiscernible yelling in the background.)

17                  9-1-1 DISPATCHER: All right. And what's  
18 your first name?

19                  [REDACTED] Please, the baby is right  
20 here. Please. (Indiscernible). Please, my baby is  
21 right here. (Indiscernible).

22                  9-1-1 DISPATCHER: Right now, can you  
23 hear me?

24                  [REDACTED] (Indiscernible).

25                  9-1-1 DISPATCHER: What's your name?

## Examination of Travis Law

1 [REDACTED] (Indiscernible).

2 (Indiscernible yelling in the background.)

3 UNIDENTIFIED SPEAKER: (Indiscernible).

4 9-1-1 DISPATCHER: Hi. Can you hear me?

5 JEB BROCK: I'm about to die.

6 9-1-1 DISPATCHER: So --

7 UNIDENTIFIED SPEAKER: (Indiscernible).

8 [REDACTED] My baby, my baby. Help.

9 9-1-1 DISPATCHER: Hi. We have a lot of  
10 help going that way if someone can hear me.

11 [REDACTED] (Indiscernible).

12 9-1-1 DISPATCHER: Can -- can somebody hear  
13 me? Can someone hear me? The police are walking  
14 up now.

15 UNIDENTIFIED SPEAKER: (Indiscernible) that  
16 cop (indiscernible).

17 [REDACTED] Yeah.

18 UNIDENTIFIED SPEAKER: (Indiscernible).

19 [REDACTED] I can't (indiscernible).

20 UNIDENTIFIED SPEAKER: (Indiscernible).

21 9-1-1 DISPATCHER: Hi. Can someone hear me?  
22 Is someone there?

23 [REDACTED] (Indiscernible).

24 UNIDENTIFIED SPEAKER: (Indiscernible).

25 9-1-1 DISPATCHER: Hi. Can somebody hear

## Examination of Travis Law

1 me? Do you guys see the police?

2 UNIDENTIFIED SPEAKER: (Indiscernible).

3 9-1-1 DISPATCHER: Is somebody there?

4 UNIDENTIFIED SPEAKER: (Indiscernible).

5 [REDACTED] Okay.

6 UNIDENTIFIED SPEAKER: (Indiscernible).

7 [REDACTED] (Indiscernible).

8 9-1-1 DISPATCHER: Can somebody hear me?

9 (TRANSCRIBER'S NOTE: Audio recording  
10 stopped, 11:58 a.m.)

11 BY MR. JACKSON:

12 Q Is that the end of the call?

13 A Yes.

14 Q Did you also obtain a call made by  
15 Betty Littlejohn?

16 A Yes, I did.

17 Q Before we listen to this call, are there a  
18 number of things of note to pay attention to that you  
19 heard when you listened to this call?

20 A Yes.

21 Q And what are those things?

22 A At approximately 2 minutes and 24 seconds,  
23 it sounds as if she tells -- or someone says, "Kill  
24 him." At 2 minutes and 31 seconds, it sounds that the  
25 police are on scene and somebody's asking, "Where is

## Examination of Travis Law

1 he at?" At 4 minutes and 59 seconds, there are police  
2 commands audible in the background.

3 Approximately 6 minutes and 28 seconds, you  
4 can hear a baby in the room crying.

5 At 6 minutes and 39 seconds, less-lethal  
6 rounds are fired.

7 At 6 minutes and 40 seconds, there are  
8 commands to, "Drop the knife or you'll be shot."

9 At 6 minutes and 51 seconds, a less-lethal  
10 round is fired.

11 At 7 minutes and approximately 6 seconds, a  
12 baby is crying.

13 And at 7 minutes and 45 and 46 seconds, two  
14 gunshots are heard.

15 And at 8 minutes and 33 seconds, [REDACTED]  
16 [REDACTED] is heard in the room.

17 A GRAND JUROR: Before you do that, can I  
18 ask a question about it?

19 THE WITNESS: Yes.

20 A GRAND JUROR: So in the 9-1-1 call we just  
21 heard, what caused that call to terminate? Did -- did  
22 it hang up from the phone or was --

23 THE WITNESS: I believe that phone -- it was  
24 disconnected on the caller's end. So --

25 A GRAND JUROR: Okay.

## Examination of Travis Law

1 THE WITNESS: -- the phone was laying on  
2 the bed.

3 A GRAND JUROR: So --

4 THE WITNESS: Yeah, I -- I --

5 A GRAND JUROR: -- who knows?

6 THE WITNESS: -- somebody touched it.

7 I'm --

8 A GRAND JUROR: Okay.

9 THE WITNESS: -- surmising that's  
10 what occurred.

11 A GRAND JUROR: Thank you.

12 (**TRANSCRIBER'S NOTE:** Audio recording  
13 played, 12:00 p.m., as follows:)

14 9-1-1 DISPATCHER: 9-1-1.

15 BETTY LITTLEJOHN: I need police quick.

16 9-1-1 DISPATCHER: At what address?

17 BETTY LITTLEJOHN: Quick. I got a -- a -- a  
18 crazy man here --

19 9-1-1 DISPATCHER: Okay.

20 BETTY LITTLEJOHN: -- killing everybody.

21 9-1-1 DISPATCHER: Hold on. Is this [REDACTED]

22 Southeast [REDACTED]

23 BETTY LITTLEJOHN: I can't hear you.

24 9-1-1 DISPATCHER: Is this [REDACTED] Southeast

25 [REDACTED]



## Examination of Travis Law

1 BETTY LITTLEJOHN: (Indiscernible).  
2 9-1-1 DISPATCHER: They're on the way  
3 already, okay?  
4 BETTY LITTLEJOHN: Oh, hurry. I -- [REDACTED]  
5 Southeast --  
6 9-1-1 DISPATCHER: So --  
7 BETTY LITTLEJOHN: -- [REDACTED]  
8 9-1-1 DISPATCHER: Okay. The --  
9 BETTY LITTLEJOHN: Quick.  
10 9-1-1 DISPATCHER: I understand. I'm  
11 telling you that we're already headed that way.  
12 BETTY LITTLEJOHN: I cannot hear you.  
13 9-1-1 DISPATCHER: Okay. Well, walk away  
14 from what's going on so you can hear me.  
15 BETTY LITTLEJOHN: Oh, well, he's crazy and  
16 here, he's stabbing everybody.  
17 9-1-1 DISPATCHER: Walk -- walk away from  
18 him, okay?  
19 BETTY LITTLEJOHN: We can't. We can't. The  
20 house -- he's doing it to everybody.  
21 9-1-1 DISPATCHER: Okay. You can't -- you  
22 can't get out of the house?  
23 BETTY LITTLEJOHN: Oh, quick.  
24 9-1-1 DISPATCHER: You can't -- you can't  
25 get out of the house? Who is he?

## Examination of Travis Law

1 BETTY LITTLEJOHN: Hello?

2 9-1-1 DISPATCHER: Who is he? Who is he?

3 What is his name?

4 (TRANSCRIBER'S NOTE: TV in the background.)

5 9-1-1 DISPATCHER: Ma'am, are you there?

6 (Indiscernible yelling in the background.)

7 9-1-1 DISPATCHER: Ma'am, are you still

8 there?

9 BETTY LITTLEJOHN: Hello?

10 9-1-1 DISPATCHER: Yeah, I am still here

11 (indiscernible).

12 BETTY LITTLEJOHN: Please. The --

13 9-1-1 DISPATCHER: Ma'am --

14 BETTY LITTLEJOHN: -- (indiscernible) a

15 crazy man. Please.

16 9-1-1 DISPATCHER: Ma'am, telling -- telling

17 us to hurry does absolutely nothing. I --

18 BETTY LITTLEJOHN: What?

19 9-1-1 DISPATCHER: -- already told you we're

20 coming as fast as we can.

21 BETTY LITTLEJOHN: I cannot hear you.

22 9-1-1 DISPATCHER: Walk somewhere that you

23 can hear me.

24 BETTY LITTLEJOHN: He's (indiscernible).

25 Oh, my God. He's (indiscernible).

## Examination of Travis Law

1                   9-1-1 DISPATCHER: Walk somewhere that you  
2                   can hear me. Get away from him.

3                   LANA EIDE: (Indiscernible) call 9-1-1.

4                   BETTY LITTLEJOHN: (Indiscernible) the  
5                   police.

6                   LANA EIDE: Call 9-1-1.

7                   BETTY LITTLEJOHN: I'll call 9-1-1. Come  
8                   here.

9                   DELBERT LITTLEJOHN: Call help.

10                  BETTY LITTLEJOHN: Come here.  
11                  (Indiscernible).

12                  (Indiscernible yelling in the background.)

13                  BETTY LITTLEJOHN: Come and talk to him.

14                  (Indiscernible yelling in the background.)

15                  UNIDENTIFIED OFFICER: Get in the room and  
16                  stay -- okay. Stand over there.

17                  BETTY LITTLEJOHN: He's stabbing everybody.

18                  UNIDENTIFIED OFFICER: Ma'am,  
19                  (indiscernible), please. We're trying to figure this  
20                  out, okay?

21                  BETTY LITTLEJOHN: Oh, my God. That's -- my  
22                  house is full of blood. (Indiscernible) my grandson,  
23                  Jeb Brock, J-e-b, Brock.

24                  UNIDENTIFIED OFFICER: Okay.  
25                  (Indiscernible).

## Examination of Travis Law

1 BETTY LITTLEJOHN: Dear God, what happened?

2 UNIDENTIFIED OFFICER: Ma'am, I know.

3 (Indiscernible) be here soon. (Indiscernible) on the  
4 way.

5 BETTY LITTLEJOHN: Take that crazy man away  
6 forever.

7 UNIDENTIFIED OFFICER: I know.  
8 (Indiscernible).

9 BETTY LITTLEJOHN: Come in my house and --  
10 (Indiscernible yelling in the background.)

11 UNIDENTIFIED OFFICER: Sir, (indiscernible).  
12 Out, out, out. Where is he at?

13 DELBERT LITTLEJOHN: I don't know.

14 UNIDENTIFIED OFFICER: Where is he at?  
15 (Indiscernible).

16 BETTY LITTLEJOHN: (Indiscernible) out of  
17 the way.

18 UNIDENTIFIED OFFICER: (Indiscernible) in  
19 there with a baby.

20 BETTY LITTLEJOHN: (Indiscernible).

21 (Indiscernible yelling in the background.)

22 BETTY LITTLEJOHN: He's stabbing everybody.  
23 (Indiscernible).

24 UNIDENTIFIED OFFICER: Where is he?

25 BETTY LITTLEJOHN: Well, he left, I guess.

## Examination of Travis Law

1 I don't know where -- he ran out wherever he went.  
2 He's so crazy that he won't let people (indiscernible)  
3 everybody in the room.

4 (Indiscernible yelling in the background.)

5 BETTY LITTLEJOHN: What happened,  
6 sweetheart?

7 (Indiscernible yelling in the background.)

8 BETTY LITTLEJOHN: My God. You better go to  
9 the hospital.

10 (Indiscernible yelling in the background.)

11 BETTY LITTLEJOHN: God, well, what made him  
12 go crazy?

13 (Indiscernible yelling in the background.)

14 OFFICER BURNS: Do you know where he went?  
15 Do you know where he went?

16 BETTY LITTLEJOHN: No, I don't -- I -- what  
17 time is it?

18 OFFICER BURNS: Ma'am, sit back down for me.  
19 Sit back down for me. Sit back down, okay? It'll be  
20 okay. Sit back down for me, okay?

21 BETTY LITTLEJOHN: I want to get some shoes.

22 OFFICER BURNS: Okay. We're not --

23 BETTY LITTLEJOHN: (Indiscernible).

24 OFFICER BURNS: We're not getting shoes  
25 right now. We're looking for this guy

## Examination of Travis Law

1 (indiscernible).

2 BETTY LITTLEJOHN: (Indiscernible).

3 UNIDENTIFIED OFFICER: Ma'am, go over  
4 there now.

5 BETTY LITTLEJOHN: Don't push me.

6 UNIDENTIFIED OFFICER: Now. Get over there.

7 BETTY LITTLEJOHN: Well, I don't give a  
8 shit.

9 (Indiscernible yelling in the background.)

10 UNIDENTIFIED OFFICER: Drop the knife  
11 (indiscernible). Back up. Drop the knife.

12 (Indiscernible yelling in the background.)

13 UNIDENTIFIED SPEAKER: Mom, I've got you.  
14 (Indiscernible) got you. Please.

15 BETTY LITTLEJOHN: Better call an ambulance.  
16 He stabbed everybody.

17 (Indiscernible yelling in the background,  
18 baby crying.)

19 UNIDENTIFIED SPEAKER: (Indiscernible).

20 BETTY LITTLEJOHN: What, honey?

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 BETTY LITTLEJOHN: I can't hear you.

23 UNIDENTIFIED SPEAKER: (Indiscernible).

24 (Indiscernible yelling in the background.)

25 UNIDENTIFIED OFFICER: All right. We're

## Examination of Travis Law

1 going to get you help as soon as possible, okay?

2 BETTY LITTLEJOHN: (Indiscernible) the baby.

3 My God. He went crazy, Jon.

4 (TRANSCRIBER'S NOTE: Audio recording  
5 stopped, 12:09 p.m.)

6 BY MR. JACKSON:

7 Q Okay. Detective, does the call continue as  
8 the police now start moving victims out of the house  
9 to the ambulances?

10 A Yes.

11 MR. JACKSON: Okay. Do the grand jurors  
12 want to hear the rest of the call?

13 A GRAND JUROR: How long is it?

14 THE WITNESS: I -- I think it's a total of  
15 15 minutes and we're a little over halfway through.

16 A GRAND JUROR: Yeah.

17 MR. JACKSON: You'd like to hear the rest of  
18 it? Sure. Okay. We'll keep playing it.

19 A GRAND JUROR: No?

20 A GRAND JUROR: Sure.

21 (TRANSCRIBER'S NOTE: Audio recording  
22 played, 12:10 p.m., as follows:)

23 BETTY LITTLEJOHN: (Indiscernible).

24 [REDACTED] (Indiscernible).

25 BETTY LITTLEJOHN: Walk easy on that blood,

## Examination of Travis Law

1       please. Oh, it's everywhere.

2                   (Indiscernible yelling in the background.)

3                   BETTY LITTLEJOHN: Don't go in there,

4       please. (Indiscernible) the motorhome.

5                   UNIDENTIFIED OFFICER: Ma'am, ma'am, ma'am,

6       ma'am.

7                   [REDACTED] I'm just going to the

8       motorhome. I don't want to be here.

9                   UNIDENTIFIED OFFICER: No. I want you to  
10      stay right here, please.

11                  BETTY LITTLEJOHN: (Indiscernible)

12      the motorhome.

13                  UNIDENTIFIED OFFICER: I want you -- I know  
14      you're scared. I want you to stay (indiscernible).

15                  BETTY LITTLEJOHN: He ain't going nowhere.

16                  UNIDENTIFIED OFFICER: Okay.

17      (Indiscernible).

18                  BETTY LITTLEJOHN: He was (indiscernible).

19                  UNIDENTIFIED OFFICER: I understand.

20                  UNIDENTIFIED SPEAKER: (Indiscernible).

21                  BETTY LITTLEJOHN: Can we call an ambulance?

22                  UNIDENTIFIED OFFICER: (Indiscernible).

23                  BETTY LITTLEJOHN: Can we call an ambulance?

24                   (Indiscernible yelling in the background.)

25                  OFFICER BURNS: Sir, are you able to stand?



## Examination of Travis Law

1 BETTY LITTLEJOHN: (Indiscernible).

2 UNIDENTIFIED SPEAKER: (Indiscernible).

3 (Indiscernible yelling in the background.)

4 BETTY LITTLEJOHN: (Indiscernible) all of  
5 a sudden.

6 (Indiscernible yelling in the background.)

7 BETTY LITTLEJOHN: Can we call an ambulance?

8 OFFICER BURNS: We have multiple outside,  
9 ma'am. (Indiscernible).

10 BETTY LITTLEJOHN: (Indiscernible).

11 OFFICER BURNS: I know. There's a --  
12 there's an ambulance outside (indiscernible).

13 [REDACTED] Okay.

14 OFFICER BURNS: I know. I know.  
15 They're coming.

16 BETTY LITTLEJOHN: (Indiscernible) there's  
17 blood (indiscernible).

18 OFFICER BURNS: No, it -- it'll be --

19 BETTY LITTLEJOHN: (Indiscernible).

20 (Indiscernible yelling in the background.)

21 BETTY LITTLEJOHN: Where's (indiscernible)?

22 [REDACTED] I don't know. Go with her.

23 (Indiscernible yelling in the background.)

24 (TRANSCRIBER'S NOTE: Audio recording  
25 stopped, 12:12 p.m.)

## Examination of Travis Law

1                   MR. JACKSON: All right. At the request of  
2 the grand jury, we'll stop it there.

3 BY MR. JACKSON:

4           Q     Detective, does the call go on in that  
5 similar manner to its conclusion?

6           A     Yes.

7           MR. JACKSON: Okay.

8           A GRAND JUROR: Can we tell whether or not  
9 that is the -- the moaning of most pain, is that  
10 Jon Littlejohn -- or Jon --

11           THE WITNESS: It is Jon, yes.

12           A GRAND JUROR: Okay.

13 BY MR. JACKSON:

14           Q     Jon Brock?

15           A     Correct.

16           A GRAND JUROR: Brock. Beg your pardon.  
17 That's it.

18           MR. JACKSON: Yeah. Are there any other  
19 questions of Detective Law about either the GPS data,  
20 the firearms we went through or these 9-1-1 calls?

21           A GRAND JUROR: Now, you, for the purpose of  
22 the record, raised your hand and did the raised  
23 fingers at one point. And you believe that's the  
24 two nine-millimeter shots --

25           THE WITNESS: That is correct.

## Examination of Travis Law

1           A GRAND JUROR:  -- at that point?  Okay.

2           A GRAND JUROR:  Did you -- I have a  
3 follow-up question for that.  Did you have a timestamp  
4 for the non-lethals as well?  Because I don't believe  
5 I heard those --

6           THE WITNESS:  Yes.

7           A GRAND JUROR:  -- on this part.

8           THE WITNESS:  And the two timestamps for  
9 the less lethal, the first one was at 6 minutes and  
10 39 seconds.  The second one was at 6 minutes and  
11 51 seconds approximately.

12           Keep in mind you really have to listen to it  
13 with headphones on to pick up the faint sound of the  
14 40-millimeter launcher with all the other --

15           A GRAND JUROR:  Yeah.  I think I heard one,  
16 but I don't think I heard the other one.

17           A GRAND JUROR:  Okay.  Then I have -- just  
18 have -- can you list the times again?  So the first  
19 non-lethal was at what time?

20           THE WITNESS:  The first --

21           A GRAND JUROR:  Or the timestamps?

22           THE WITNESS:  -- non-lethal is at  
23 approximately 6 minutes and 39 seconds.

24           A GRAND JUROR:  Okay.  The next one?

25           THE WITNESS:  The second non-lethal is at

## Examination of Travis Law

1 approximately 6 minutes and 51 seconds.

2 A GRAND JUROR: And then when were the two  
3 shots fired in the call? At what timestamp?

4 THE WITNESS: At approximately 7 minutes and  
5 45 seconds and --

6 A GRAND JUROR: Okay.

7 THE WITNESS: -- 7 minutes and 46 seconds.

8 A GRAND JUROR: Okay. Thank you.

9 BY MR. JACKSON:

10 Q And, Detective, this is just your opinion  
11 based on what you're hearing. There's no way to  
12 confirm that those are the exact timestamps for those  
13 events, just what it sounds like to you on the 9-1-1  
14 call?

15 A That's correct.

16 Q Based on your training and experience?

17 A And familiarity of the case and everything,  
18 yes.

19 MR. JACKSON: Okay. Did you want to hear  
20 that again? We can --

21 A GRAND JUROR: No, thank you.

22 MR. JACKSON: -- zero in on  
23 those particular --

24 A GRAND JUROR: I don't think so.

25 MR. JACKSON: All right.

## Examination of Travis Law

1 A GRAND JUROR: So I don't know --

2 MR. JACKSON: Yes.

3 A GRAND JUROR: -- if you can tell us this,  
4 but is there information or data on the GPS, when he  
5 left and came back, where he went?

6 THE WITNESS: And we're talking about on  
7 the 29th?

8 A GRAND JUROR: Yeah, between 10:15 and  
9 1:40 a.m.

10 THE WITNESS: Yeah. I believe there was one  
11 address that it said he -- he may have gone to. Are  
12 you wanting to know what that address is?

13 A GRAND JUROR: Yeah, I was just curious  
14 if it --

15 A GRAND JUROR: Or if you know anything  
16 about that address, what its --

17 THE WITNESS: I don't know anything about --

18 A GRAND JUROR: -- purpose might be.

19 THE WITNESS: -- that address, but it  
20 appears to be a residence.

21 A GRAND JUROR: Okay.

22 THE WITNESS: Would you like the address?

23 A GRAND JUROR: No.

24 THE WITNESS: Okay.

25 MR. JACKSON: Okay. Any other questions? I

## Examination of Michael Gonzalez

1 don't see any. Okay. So why don't we go off the  
2 record for our lunch break?

3 \* \* \*

4 (Noon Recess taken at 12:15 p.m.)

5

6 ***AFTERNOON SESSION***

7 (The following proceedings were held before  
8 Grand Jury No. 3, 1:28 p.m.):

9 MR. JACKSON: Okay. We're back on the  
10 record following our lunch break. We'll start with  
11 our next witness, Michael Gonzalez.

12 If you could stand right here and raise your  
13 right hand.

14 **MICHAEL GONZALEZ**

15 Was thereupon called as a witness; and, having been  
16 first duly sworn, was examined and testified as follows:

17 **EXAMINATION**

18 BY MR. JACKSON:

19 Q You can have a seat.

20 Could you please state and spell your name.

21 A Yeah, it's Michael Gonzalez, M-i-c-h-a-e-l,  
22 G-o-n-z-a-l-e-z.

23 Q All right. And where are you employed?

24 A With the Portland Police Bureau as a  
25 police officer.

## Examination of Michael Gonzalez

1           Q     How long have you been a police officer?

2           A     A little over two years now.

3           Q     And, sir, is your appearance before the  
4 grand jury this afternoon voluntary?

5           A     No.

6           Q     It is --

7           A     UH...

8           Q     It is not voluntary?

9           A     What voluntary?

10          Q     You coming in here to talk about this  
11 incident from --

12          A     Oh, yes.

13          Q     -- April 29th.

14          A     Yes.

15          Q     Are you voluntarily doing that?

16          A     Yes.

17          Q     Okay. Were you subpoenaed or in other --  
18 any other way compelled to come in here and provide  
19 a statement about the incident?

20          A     I was not subpoenaed, no.

21          Q     Okay. Were you otherwise compelled to come  
22 in and do this?

23          A     No.

24          Q     Okay. And you understand, at any point, if  
25 you wish to end this, just let me know and we will

## Examination of Michael Gonzalez

1 stop asking questions?

2 A Okay.

3 Q Okay. So, first of all, how old are you?

4 A I just turned 26 on Saturday.

5 Q Okay. And what's your education background?

6 A I have a bachelor's of sociology from  
7 Newberry College in South Carolina and I have an  
8 associate's from Clark College in Vancouver,  
9 Washington.

10 Q And when did you become a police officer?

11 A March 30th of 2017.

12 Q Okay. And was that kind of right out of  
13 school, got into police?

14 A Essentially. About a -- probably about a  
15 year after I graduated college.

16 Q Okay. And have you always been a police  
17 officer for the Portland or did you work for other  
18 agencies before?

19 A Always with Portland, yeah.

20 Q Okay. Can you take us through, briefly,  
21 some of the training that you received when you became  
22 a police officer?

23 A Yeah. So as soon as I got hired, I went to  
24 the basic academy down in Salem. I believe that was  
25 16 weeks. When I completed that, I came back to the



## Examination of Michael Gonzalez

1 Portland Police Bureau and they put on an advanced  
2 academy, which I believe went on for ten weeks. And  
3 we got CERT certifications through that as well.

4 Q Okay. Do you remember what some of  
5 those were?

6 A Yeah, CIT training, which is crisis  
7 intervention training.

8 Q What does that have to do with, crisis  
9 intervention training?

10 A Talking to people that are in crisis,  
11 whether it be mental health, drug-related crises, I  
12 guess, just anything involving -- it's interpersonal  
13 communication between someone that's going through  
14 something that's out of the norm for that person,  
15 essentially.

16 Q Okay. And how to kind of interact with  
17 those folks when they're --

18 A Yeah.

19 Q -- in that state?

20 A And certain techniques, what to look for,  
21 those type of things.

22 Q Okay. What other certifications did  
23 you receive?

24 A Field sobriety test certification,  
25 certifying with a firearm, certifying with the Taser,

## Examination of Michael Gonzalez

1 things of that nature.

2 Q Okay. Were investigations and then  
3 also scenario train -- scenario-based training part  
4 of that?

5 A Yeah. Well, a lot of scenario-based  
6 training with different types of instances, from your  
7 cold burglary to active shooter to just a disturbance  
8 where you kind of have to ask questions and kind of  
9 get the gist of what's kind of going in that scenario.

10 Q Okay.

11 A So a wide variety.

12 Q And how are you evaluated as you go through  
13 that training process?

14 A You are -- basically, you have people who  
15 are employed with the Portland Police Bureau that  
16 oversee the entire scenario and critique you. Once  
17 the scenario is done, they'll let you know what their  
18 critiques are, what you could do better, what you did  
19 good, those type of things.

20 If you do anything heinous, they're going to  
21 address it right away, or something that's not safe,  
22 they'll address it right away to you and let you know  
23 that it's -- that it's not the way to do things,  
24 things like that.

25 Q Okay. And did you successfully complete all

## Examination of Michael Gonzalez

1 of that programming and training?

2 A Yes, I did.

3 Q And what happens once you come out of the  
4 academy and the advanced academy?

5 A I went straight to patrol. And you're on  
6 what's called the FTET program where you ride with a  
7 coach for a certain amount of time. You'll switch  
8 coaches. You'll advance in phases where you get to do  
9 more things, whether it be driving more, taking over  
10 calls more, things of that nature.

11 Q Okay. And how long does that period last?

12 A It's from the time you're hired to 18 months  
13 after you're hired, if you don't get held back in  
14 phase. So it's about a year that I'm with a coach,  
15 essentially.

16 Q Okay.

17 A Yeah.

18 Q And then the other six months is actually in  
19 training in the academies --

20 A Yes.

21 Q -- and things?

22 A Yes.

23 Q Okay. And did you successfully complete the  
24 period of time as -- the FTET program, as you referred  
25 to it, or through --

## Examination of Michael Gonzalez

1           A     Yes.

2           Q     -- that probationary period?

3           A     A field training program, yes, I did.

4           Q     Okay. And so do you remember when it was  
5     that you actually became a full Portland Police patrol  
6     officer without a coach or anything else like that?

7           A     When I went Phase 5, which would be -- when  
8     you're on your own, you're still in FTPEP. You kind of  
9     have a coach to kind of -- I'm not too sure exactly  
10    the date. Maybe -- I know I was off probation  
11    September 30th, so probably six months before that.

12          Q     Okay.

13          A     Yeah.

14          Q     All right. And September 30th of which --

15          A     2018.

16          Q     2018.

17          A     Yes.

18          Q     Okay. And what shift were you assigned to?

19          A     After probation, I was assigned to East  
20    Precinct night shift as a patrol officer.

21          Q     And what are the hours of East --

22          A     10:00 --

23          Q     -- Precinct --

24          A     10:00 p.m. --

25          Q     -- Precinct night?

## Examination of Michael Gonzalez

1           A     10:00 p.m. to 8:00 a.m.

2           Q     Okay. And you worked that shift since?

3           A     Yes.

4           Q     Okay.

5           A     Yes.

6           Q     And before we go into the events of  
7     April 28th into the 29th, were you placed on a  
8     communication restriction order as a result of this?

9           A     Yes, I was.

10          Q     And have you abided by that?

11          A     Yes, I have.

12          Q     Okay. So moving now to -- the shift, you  
13     said it starts at 10:00 p.m. and goes to 8:00 a.m. --

14          A     Mm-hmm.

15          Q     -- right? So on April 28th of 2019, did you  
16     come on shift at 10:00 p.m.?

17          A     Yes, I did.

18          Q     And was there anything unusual going on  
19     during that day leading up to the shift starting?

20          A     No, just a pretty normal day. I got a  
21     workout in and suited up ready for work.

22          Q     Okay. Had you consumed any alcohol or drugs  
23     or illicit substances or otherwise that would affect  
24     your ability to do your job or your judgment prior to  
25     starting your shift?

## Examination of Michael Gonzalez

1           A     No.

2           Q     What about at any point during your shift?

3           A     No.

4           Q     Okay. Can you take us through kind of your  
5 routine when you're coming on at 10 o'clock to start?

6           A     Yeah. So I usually -- I generally get to  
7 work about an hour before shift. I grab a patrol  
8 vehicle. I put my bags and such inside the car.

9                     And then I take my time getting dressed,  
10 make sure I have everything squared away before shift,  
11 check my mailbox, check e-mails, respond to e-mails if  
12 I need to. Then I go in the roll call room and  
13 I'll -- I'll talk to coworkers before roll call  
14 starts.

15          Q     And what is roll call?

16          A     Roll call is where the shift gets together.  
17 We talk about important information that pertains to  
18 us as police officers, important information, whether  
19 there be wanted people that we should be looking for  
20 or officer safety stuff or be on the lookout for this  
21 car, that kind of deal.

22          Q     Okay.

23          A     And administrative staff as well.

24          Q     And is some or all of that information  
25 coming from the officers that are coming off of the

## Examination of Michael Gonzalez

1 previous shift?

2 A It's usually -- it comes from the sergeants,  
3 but it's -- it's Bureau-wide information that we have  
4 a general, centralized area where we submit all this  
5 stuff. And then sergeants will go through and look  
6 for the most important stuff to discuss at roll call.

7 Q Okay. And how long does roll call  
8 usually take?

9 A It can take anywhere from five minutes to  
10 35 minutes depending on what we're talking about.  
11 Sometimes we'll debrief calls that we had the night  
12 before to see what we could do better. Sometimes  
13 we'll talk about things that happened out of state,  
14 big mass shootings, those kind of things.

15 Q Okay. And then once roll call is done, what  
16 do you do then?

17 A I get in my patrol call, I sign -- or patrol  
18 car, sign in and go take calls and begin my shift.

19 Q Okay. And is that what you did on  
20 April 28th, 2019?

21 A Yes.

22 Q And prior to receiving the call for service  
23 at [REDACTED] did you have any  
24 other calls of note that you remember from the shift?

25 A No. I had a -- a pretty serious DV, but it

## Examination of Michael Gonzalez

1       wasn't anything that I hadn't seen before and I was  
2       writing a good report for it that I just finished  
3       before the call came out.

4               Q     When -- when this call came out?

5               A     Yes.

6               Q     Okay. Do you remember where you were when  
7       you first heard the call?

8               A     117 and Division.

9               Q     I'm sorry?

10              A     117 and Division.

11              Q     Okay.

12              A     Yeah.

13              Q     And when you're out on patrol, are you in  
14       full uniform, badge displayed?

15              A     Yes. And I'm driving a fully marked patrol  
16       vehicle as well.

17              Q     And did you have a partner?

18              A     I did not.

19              Q     By yourself?

20              A     Yes.

21              Q     And is the patrol vehicle an SUV or is it  
22       a -- a car or --

23              A     It's a Ford Explorer SUV.

24              Q     Okay.

25              A     Mm-hmm.



## Examination of Michael Gonzalez

1 Q So you're at 117 and --

2 A Division.

3 Q -- Division just finishing up the report  
4 from this other call and this one --

5 A Well, I --

6 Q -- comes out?

7 A -- already finished it. I just left the  
8 contact office and I was at 117 and Division.

9 Q Okay.

10 A Yeah.

11 Q And so what do you remember first hearing  
12 about this call?

13 A 978, 977, those are the districts that they  
14 were assigned for dispatch to the [REDACTED] and [REDACTED]  
15 address on a report of someone stabbed. And that's  
16 the -- all the information that was given at that  
17 time.

18 Q Okay. And those numbers you just listed,  
19 what -- what are those numbers?

20 A They're basically district numbers. So 971  
21 and 972, there's a certain geographical or -- I don't  
22 know. Like, a Geo) --

23 Q Geographical?

24 A Geographical. There's the word.

25 Q Yeah.

## Examination of Michael Gonzalez

1           A     Area that they're assigned to. And when  
2     calls come out in that district, they're assigned to  
3     take those calls when they're available. On this  
4     particular day, I was District 987.

5           Q     Okay. And is the address that came out for  
6     this stabbing call in your patrol district?

7           A     No.

8           Q     So did you decide to respond?

9           A     Yes, I did.

10          Q     Why?

11          A     Generally, you never know what you're going  
12     to get with stabbing calls. There could be a large  
13     crime scene that the primary officers need help with.  
14     There could be witnesses to interview. Sometimes they  
15     can be a lot to handle for just two officers, so I  
16     will attach myself to these calls just to help out  
17     coworkers.

18          Q     Okay. So you hear this call come out. It's  
19     a stabbing. There's not much other information. Did  
20     you start responding immediately?

21          A     I attached myself immediately and just  
22     started drifting that way waiting for officers to give  
23     a staging location, kind of get some more  
24     information --

25          Q     Okay.

## Examination of Michael Gonzalez

1           A     -- while I was headed that way.

2           Q     And so were you going lights and sirens or  
3 just kind of making your way in that direction?

4           A     I was -- I turned on my lights and, I mean,  
5 I was going, you know, quicker than I would going to a  
6 cold call. But by no means was I trying to get there  
7 immediately because we needed more information first  
8 and we needed to come up with a plan before we  
9 approached an active crime scene 'cause we didn't know  
10 what we were getting ourselves into.

11          Q     Okay. At some point while you were en  
12 route, did one of the other officers put out a staging  
13 location?

14          A     Yes, he did. I believe it was Andrew Young,  
15 yeah.

16          Q     Okay. And what did you do when you got  
17 that information?

18          A     I was already headed out that way. I was  
19 looking at my map about where the address was to kind  
20 of find an avenue. If this -- there was a suspect  
21 involved and they were to have leave -- left in a  
22 vehicle or on foot, I was looking for a main  
23 thoroughfare. The closest main road -- 'cause that's  
24 what many will do.

25                They'll get on the closest main road and

## Examination of Michael Gonzalez

1       either drive off or run off, so I knew that 136th was  
2       the closest main road to that address, so I opted to  
3       go up Division to 136th and travel southbound from  
4       there just in case there was a car that was taking off  
5       from the scene and we got a description of it, I could  
6       attempt to stop it and deal with it accordingly.

7           Q     Okay. Did further updates come out over the  
8       radio about the nature of the call?

9           A     Yes.

10          Q     What were they?

11          A     I believe there was a second caller stating  
12       there was a second victim involved as well as that the  
13       suspect was still inside the home. And then another  
14       caller came in and the dispatcher said, I believe,  
15       that they could hear an active disturbance happening  
16       inside.

17          Q     How did that change your response to this  
18       call or your thinking about this call, if it did at  
19       all?

20          A     I was thinking that this is an active  
21       situation and there was an active disturbance and  
22       people were getting stabbed, essentially. So we don't  
23       have all the time in the world to come up with the  
24       best plan in the world, so sometimes you just have to  
25       go in and not necessarily do it on the fly, but come

## Examination of Michael Gonzalez

1 up with quick, effective plans with what you have.

2 So once I heard that there was a second  
3 victim involved and that the suspect was still inside,  
4 I opted to, instead, go to the -- not the staging  
5 location, but [REDACTED] and Francis, which is just north  
6 of the target location, and walk up on foot in an  
7 invisible capacity to get eyes on, to use my ears, to  
8 tell other officers what's kind of happening so we can  
9 decide whether we want to slow down or if we need to  
10 speed things up.

11 Q And have you responded to other stabbing  
12 calls in your career?

13 A Yes, I have.

14 Q And how, if at all, was this one different  
15 than those as it's unfolding and you're getting  
16 these updates?

17 A Multiple callers, multiple victims and the  
18 suspect may still be inside. There was a sense of  
19 urgency that we need to get there and -- and handle  
20 the situation.

21 Q Okay. So you said you parked about a block  
22 north of the target location --

23 A Mm-hmm.

24 Q -- and walked in on foot.

25 A Mm-hmm.

## Examination of Michael Gonzalez

1 Q Were other officers already on scene?

2 A I believe when I looked -- when I turned  
3 onto [REDACTED] I looked down to [REDACTED] and Powell and I  
4 saw another officer at the staging location. Like I  
5 said, we didn't know what we had yet.

6 I was going to go there to get eyes on to  
7 let them know if we needed to -- if we needed people  
8 there now or if we can kind of slow up and come  
9 with -- come up with a better plan to handle the  
10 situation.

11 Q Okay. As you approached the house, what do  
12 you remember?

13 A As soon as I parked, I didn't see anything.  
14 I opened the door and I'm about a block away and I  
15 heard several, what appeared to be, females screaming.  
16 I sprinted towards [REDACTED] and [REDACTED] and took out my  
17 flashlight and began to observe what I believed was  
18 the target address. And there was multiple people  
19 outside, lots of screaming and yelling.

20 Q Okay. And, Officer, if you look up at the  
21 board here, do you see this is Southeast [REDACTED]  
22 and [REDACTED]

23 A Mm-hmm.

24 Q And this pin drop on the house on the  
25 corner?

## Examination of Michael Gonzalez

1           A     Mm-hmm.

2           Q     Could you come up to the board and kind of  
3 point out how you were coming in and where you were  
4 seeing some --

5           A     Yeah.

6           Q     -- of these things happening?

7           A     So I'm on [REDACTED] just north of the target  
8 address. I've blacked out my car. I turned off  
9 my headlights and my rear lights so no one could  
10 see me coming up, parked a block away, exited the  
11 patrol vehicle.

12                   I heard yelling, so I sprinted out here in  
13 the dark and could see, like, three -- three-ish  
14 people out -- out front. I took out my flashlight and  
15 illuminated a subject, male, who was on the ground  
16 right in front of the target house.

17                   He appeared to be a white male, but,  
18 honestly, I -- he had so much blood on his face, I  
19 could not tell what race he was. He was screaming at  
20 me for help.

21                   There was an elderly lady right outside the  
22 front door, like, probably about in her 70s, yelling  
23 at me as well saying they needed help and another  
24 lady, maybe in her mid 30s, screaming for help as  
25 well. I honestly couldn't tell you what she was

## Examination of Michael Gonzalez

1       yelling, she was so hysterical.

2           Q     Okay. Thank you. You can --

3           A     Yeah.

4           Q     -- have a seat here. So as you're coming up  
5       and your flashlight illuminates this person who was on  
6       the ground in front of the house, what's going through  
7       your mind when you see that?

8           A     The fact that he was down -- he appeared to  
9       be in critical condition. There was yelling going on  
10      inside the house as well as the two females outside.  
11      Again, I have no idea who the suspect is at this  
12      point, so I'm kind of -- I'm still observing.

13                   I kind of pie -- it's called -- the term  
14      "slicing the pie," I kind of walk a distance away from  
15      the house to kind of see who's behind cars, who's in  
16      the house, 'cause the door was open, to try and gather  
17      more information.

18           Q     And can you describe for us what -- what  
19      you're seeing in front of the house? I mean, were  
20      there cars there? Were there no cars there or --

21           A     There was -- there was a trailer. To the  
22      best of my -- there was a trailer in the driveway  
23      where the 35-year-old female was standing. There was  
24      two other cars maybe in the driveway.

25                   There may or may not have been a car right



## Examination of Michael Gonzalez

1 next to the guy that was bleeding in the face. But  
2 it was very dark except for the porch light that was  
3 on and my light.

4 Q Okay. So were there streetlights around or  
5 anything illuminating the area that you remember?

6 A That -- I don't really remember. I know it  
7 was dark. That particular area that time of night is  
8 very, very dark. There's not a lot of streetlights.

9 Q Okay. And is this a -- a part of town  
10 that you're actually familiar with from your other  
11 patrolling duties?

12 A Yeah. I've gone for calls and service in  
13 that -- not that exact area, but around that area.  
14 I've had people run from me where I have to set up  
15 perimeters in that area, so I have to know the --  
16 the -- the area pretty well and cars, et cetera.

17 Q Okay. So you're kind of taking this in.  
18 You see you've got one person --

19 A Mm-hmm.

20 Q -- down and you've got multiple people  
21 screaming and you've also -- you're hearing sounds of  
22 a disturbance inside the house. What did you do then?

23 A I believe I put over the radio that there  
24 was an active disturbance happening before I started  
25 pieing to try and let people know, like, "Hey, I might

## Examination of Michael Gonzalez

1       need you guys here now."   I unholstered my duty weapon  
2       'cause --

3               Q       Why did you do that?

4               A       I had no idea where this -- this -- I had no  
5       idea, one, who the suspect was, where he was at, or  
6       she.   And I have multiple people yelling at me and I  
7       have a bunch of people inside the house.   It was for  
8       my safety and the safety of them 'cause I -- again, I  
9       have no idea where this person's at.

10              Q       Okay.

11              A       And I needed to gather more information so I  
12       know.

13              Q       And how did the fact that you actually had  
14       seen this person that appeared to be gravely injured  
15       already play into the analysis?

16              A       Well, the call came out that someone was  
17       stabbed and I have a person who appears to be in  
18       critical condition right in front of me.   So at the  
19       very least, someone was attacked with some sort of  
20       weapon that I don't know of.

21              Q       Okay.

22              A       And I don't know where they're at.

23              Q       Okay.   So what did you do then?

24              A       I began asking questions about, "Hey,  
25       where's -- where's he at?   Where's he at?   Where's he

## Examination of Michael Gonzalez

1 at?" They --

2 Q Do you remember who you were asking?

3 A I -- I was asking all of them. I attempted  
4 to ask the guy that was on the ground. He was -- he  
5 was worried about getting help, which I don't blame  
6 him 'cause he was in pretty bad condition.

7 The elderly female said that they needed  
8 help, but they didn't know where he was at. And then  
9 the other female that was by the trailer, I -- I  
10 couldn't understand a word she was saying.

11 Q And was that because of a language barrier  
12 or just the way she was --

13 A She was --

14 Q -- talking?

15 A -- very hysterical.

16 Q Oh, okay.

17 A I -- I -- and there's -- there was so much  
18 going on at once that I could only -- I wasn't going  
19 to take my time to really digest what she was telling  
20 me 'cause I had a lot more to deal with at that point.

21 Q Okay. And just looking at this guy, did his  
22 injuries appear life threatening to you?

23 A I -- I wouldn't -- I don't know if they were  
24 life threatening because it was just his face that was  
25 bloody. I mean, there -- it could be if it was the

## Examination of Michael Gonzalez

1 neck, yes. But I wasn't -- I didn't really take the  
2 time to look, but, I mean, he looked like he was in  
3 serious, serious -- critical -- critical condition.

4 Q Okay.

5 A Yeah.

6 Q All right. And you didn't stop to render  
7 him aid or anything --

8 A No.

9 Q -- like that?

10 A No.

11 Q And what did you do instead?

12 A I believe I called for Air 1, which is our  
13 airplane unit. I didn't know if this guy was on foot  
14 around the house somewhere. I knew they were out and  
15 I wanted more resources there for us. I also told my  
16 coworkers over the radio that I needed them there now,  
17 I believe is what I said.

18 Q Okay. So forget the staging location --

19 A Forget it. You got to --

20 Q -- come straight in?

21 A -- got to come straight in, yes.

22 Q And you've kind of already explained it, but  
23 why did you think that was necessary?

24 A We have a very critical -- a guy in critical  
25 condition right in front of me. The suspect still may

## Examination of Michael Gonzalez

1 be in the house. I can hear signs of what sounds like  
2 a disturbance inside the house.

3 I don't know if this guy is actively  
4 stabbing people 'cause there was a second caller on  
5 this saying that there was two victims and I'm only  
6 looking at one at the moment. I don't know if he's in  
7 there actively stabbing people. I don't know if  
8 someone's bleeding out and we need to get them help.

9 But the quicker that we can clear the  
10 house and make the scene safe, the quicker we can get  
11 medical -- the ambulances -- ambulances to get there  
12 and take these people to the hospital. We can only  
13 do so much as rendering aid. We have tourniquets.  
14 We have some gauze, but by no means are we  
15 medical professionals.

16 Q Mm-hmm.

17 A So the quicker we make the scene safe for  
18 AMR, the quicker they can get to the hospital.

19 Q Okay. And so once you -- that decision is  
20 made, you put that out over the air?

21 A Mm-hmm.

22 Q Do other officers start arriving?

23 A Yes. Officer Rizzo and Officer Young  
24 arrived on scene. They got out. I believe Young went  
25 to go render aid to the guy that was bleeding. Both

## Examination of Michael Gonzalez

1 Rizzo and I told him that the suspect was still inside  
2 and we need to go in there and -- and --

3 Q Told Officer Young that?

4 A Yes.

5 Q Okay.

6 A We had -- we told him we need to go in there  
7 and we need to find this guy and deal with him 'cause  
8 he's a -- he might be a problem still. I don't  
9 remember if there was a -- an -- an update or if the  
10 elderly female told me, but there was mention that  
11 he's inside a room with a baby.

12 So, I mean, there was a good chance that he  
13 was inside there and we had to hopefully preserve the  
14 life or the -- the well being of that child. With  
15 that information, we got into, like, a little group.  
16 We said, "Okay. We're going to clear the house."

17 I told Rizzo -- or I told Young that he was  
18 lethal, I'm lethal and Rizzo had his less --  
19 less-lethal launcher, which is a 40-millimeter  
20 styrofoam --

21 Q Mm-hmm.

22 A -- ball that shoots out.

23 Q Sponge ball?

24 A Sponge ball, yeah.

25 Q Yeah.

## Examination of Michael Gonzalez

1           A     They hurt.

2           Q     And when you say you're designating, "You're  
3     lethal, I'm lethal," what -- what does that mean?

4           A     So everyone knows what their job is, lethal  
5     meaning you have your gun out and you're a lethal  
6     cover because we might be going into something where,  
7     you know, we might have to use lethal force on them.  
8     And then we have a less lethal as well, so they --  
9     they know what their job is designated to.

10                   And they know that, okay. If I see this guy  
11     and this happens, I can hit him with the less-lethal  
12     launcher to maybe stop him from doing what he's doing.  
13     So it was a quick plan that we tried to come up with  
14     as fast as possible and then we went inside the house  
15     and cleared the house.

16           Q     Okay. And once you get the information that  
17     he's in a room with a baby, you realized he's not out  
18     running in the streets --

19           A     Yes.

20           Q     -- or something, but he's actually in the  
21     house, how does that change the analysis of what to  
22     do?

23           A     We need to get in the house and we need  
24     to -- we need to find the child and make sure the  
25     child's safe first. And any other potential victims

## Examination of Michael Gonzalez

1       that are inside, any victims that have been gravely  
2       injured that need medical attention, the quicker we  
3       can get in the house and clear it, the quicker we can  
4       get those people to the hospital. That was my  
5       mindset.

6               And if he was there, we'd deal with him. If  
7       he -- the suspect wasn't there, we'd have other  
8       options. For example, setting a perimeter and doing a  
9       canine track for him, having the airplane kind of roam  
10      the blocks and see if there's anyone creeping in  
11      yards.

12             But, first and foremost, we need to take  
13      care of what's in front of us right now, which is the  
14      people out front who are hurt and the people inside  
15      who we don't know are hurt or not.

16             Q     Okay. So did you go into the house?

17             A     Yes. Rizzo announced over the radio that  
18      we'd be clearing the house and to hold the air. We  
19      made entry to the house. I fanned out to the left.  
20      Young fanned out to the right.

21             And when we entered the house, there was an  
22      elderly male victim who appeared to be bleeding  
23      sitting on the couch and a -- another male standing to  
24      the right who was also bleeding.

25             And I think he had an ice pack. I don't



## Examination of Michael Gonzalez

1       remember much, but as soon as he -- as soon as we  
2       entered, he ended up sitting down. And it's kind of  
3       an open living room with the kitchen to the right  
4       that -- and a hallway and then an open sliding  
5       glass door.

6           Q     Officer Gonzalez, if you look at the board  
7       here behind you, we have a line diagram. Does this  
8       look like the floor plan of the house as you recall  
9       it?

10          A     Yes.

11          Q     Front door is here and you come in. Could  
12       you come up and just point to where you're seeing some  
13       of these people when you first came in?

14          A     So this is the front door right here. So we  
15       make entry through the front door. I fan out to the  
16       left. Young is right here to the right and Rizzo's --  
17       I believe he's right in the middle of us. There's an  
18       elderly male victim sitting down on this couch and  
19       another male standing up initially who ends up sitting  
20       down on the couch right here.

21          Q     Okay. Do you remember what the lighting was  
22       like inside the house?

23          A     The living room light was on. The kitchen  
24       light was dark. And I believe a hallway light was on.

25          Q     Okay. Did you have flashlights on?

## Examination of Michael Gonzalez

1           A     I did, yes.

2           Q     Okay. And was that mounted on your handgun  
3 or were you holding a flashlight in your hand?

4           A     I -- I had the flashlight held in my hand.  
5 I -- I don't think I swapped it because I was outside,  
6 you know, shining my light around there. So I entered  
7 the house with flashlight in my hand and gun in  
8 the other.

9           Q     Okay. And does your gun actually have  
10 a flashlight --

11          A     Yes, it --

12          Q     -- on it?

13          A     -- it does. Yeah.

14          Q     Okay. So you guys come in and then what do  
15 you remember happening?

16          A     We kind of get to this area right here where  
17 we have an unknown kitchen area, an open sliding glass  
18 door and a hallway. Me and Young talked to each  
19 other. I tell him, "Hey, man. You're going to clear  
20 the kitchen very fast and watch the sliding glass  
21 door. I'll hold the hallway while you do that."

22          Q     What does that mean, "hold the" --

23          A     "Hold the" --

24          Q     -- "hallway"?

25          A     -- "hallway," meaning I'm going to put

## Examination of Michael Gonzalez

1       myself in that area so if a threat does come out, I  
2       can deal with it while he's worry -- while his back is  
3       turned, essentially. I'm covering angles for him.

4               Right before I said that, I -- I observed  
5       Sergeant Mooney walk in behind me. I don't know if  
6       he entered the house with us or he came in after we  
7       entered, but it was very shortly after we entered that  
8       I noticed him.

9               Q     And do you remember, as you're standing  
10      in there, is it a pretty quiet house? Is it pretty  
11      chaotic? Is it loud? Is it -- what -- what's --  
12      what's the environment like in there?

13              A     The three ladies -- or the two ladies and  
14      the guy out here -- the two ladies are still yelling  
15      for help. The two guys -- one looked like he was in  
16      shock, the elder -- elderly guy sitting right here.  
17      And this other guy, I couldn't tell you what he was  
18      doing. But there was blood all over the floor leading  
19      to the hallway. Just everywhere, blood, yeah.

20              Q     Okay. What's going through your mind now?

21              A     Well, I have two more victims who both  
22      appear to be in critical condition 'cause -- and  
23      there's a lot of blood on the floor. And for that  
24      much blood to be out, some main artery had to have  
25      been hit in my mind.

## Examination of Michael Gonzalez

1           So if there's -- if there's limited time  
2   to help these people out and there's not -- I can't  
3   put a tourniquet on a neck because, you know, that  
4   just doesn't work. So we still -- the baby was not  
5   seen. We still need to find the baby 'cause we have  
6   information that there may be a baby inside still.

7           Q     Okay. So you're covering the hallway. What  
8   are the other two officers doing?

9           A     Rizzo is maintaining -- he's -- he's in the  
10   back. He is our less-lethal option if we need it,  
11   so he's kind of just hanging out and just observing  
12   everything. Young clears the kitchen, said -- tells  
13   me that it's clear and he holds this open sliding  
14   glass door.

15                I turn around to Mooney. I'm like, "Mooney,  
16   we're going to clear this hallway. Are you ready?"  
17   He's like, "Yeah." There's a closet. I start  
18   clearing closets that are to the left and right.

19                I announce myself again -- oh, when I first  
20   came in, I did announce, "Police. Make yourself known  
21   right now or you're going to get fucking shot." I  
22   believe I did that two times. When I got to this  
23   hallway, I announced myself again, "Police. Make  
24   yourself known right now or you're going to get shot,"  
25   very loudly.

## Examination of Michael Gonzalez

1                   And so we start clearing this and we kind of  
2   get to this little L shape. I tell Mooney, "Hey,  
3   clear this room to the right. I'm going to hold this  
4   hallway and that open door." He clears this room  
5   quickly.

6           Q     Do you remember which doors were open and  
7   which were closed --

8           A     Yes --

9           Q     -- in that hallway?

10          A     -- this one was open.

11          Q     The bathroom?

12          A     The bathroom was open. This one was open.

13          Q     Is that on the diagram labeled  
14   "Betty Littlejohn"?

15          A     Yes.

16          Q     Okay. Her bedroom.

17          A     This one was closed, I guess, [REDACTED]

18          Q     Okay.

19          A     And then this one was open as well.

20          Q     And was that one labeled "Delbert  
21   Littlejohn"?

22          A     Yes.

23          Q     Okay.

24          A     So we clear each room. When Mooney leaves  
25   the Betty Littlejohn room, he lets me know, "Hey, I

## Examination of Michael Gonzalez

1       heard something in this room right here," which would  
2       be [REDACTED] room. I acknowledge him that he  
3       heard something, but I still have this open door right  
4       here that I don't know who's in there.

5                So I say, "Okay. I'm going to clear this  
6       room really quickly and we'll see -- we'll -- we'll  
7       deal with the room that's closed." So I go in there.  
8       I clear it quickly and then we get to the closed door  
9       here.

10           Q     And where -- or who's with you? I mean,  
11       you've said Mooney was there, but who else was with  
12       you at that point?

13           A     Rizzo, I believe, was -- was with us as  
14       well.

15           Q     Okay.

16           A     It was just us -- us three down this  
17       hallway.

18           Q     Okay. So you clear the room that's labeled  
19       "Delbert Littlejohn," nobody in there?

20           A     No one.

21           Q     Okay. What happened --

22           A     That I could tell. I mean, I'm looking for  
23       a -- I -- honestly, I didn't -- I didn't really look  
24       too hard in that room. It was open, didn't see any  
25       movement and I'm looking for a guy and a baby --

## Examination of Michael Gonzalez

1 Q Okay.

2 A -- at that point.

3 Q Okay. Could you actually hear any sounds  
4 coming from inside any of these rooms?

5 A I -- I may have heard something, but I  
6 was -- I -- I honestly don't remember. They -- Mooney  
7 told me, like, "Hey, I heard something in that room."  
8 I acknowledged him and I believe that was it.

9 Q Okay. So what happened then?

10 A I went to open this -- the door. As I  
11 twisted it, shoved it, it only opened about a foot  
12 'cause there seemed to be a -- a baby crib blocking  
13 the -- it was barricaded. I shoved it more 'cause I  
14 wanted to get inside.

15 Q And did you still have your gun out at  
16 this point?

17 A Yeah.

18 Q And were you doing that with the flashlight  
19 in your hand? Did you drop --

20 A With the --

21 Q -- flashlight?

22 A I had my gun in my right hand and my left  
23 hand, I -- I had the flashlight in my hand still.

24 Q Okay.

25 A Opened it up, toss it open and started

## Examination of Michael Gonzalez

1 looking inside. And there was a baby crib and there  
2 was clutter on the other side of the baby crib that's  
3 causing kind of a barricade to where we couldn't  
4 get in.

5 Q Okay. What, if anything, did you notice  
6 about the baby crib?

7 A At first, I didn't notice anything. I just  
8 thought it was barricaded, the reason being is when I  
9 began looking inside the room, I saw what appeared to  
10 be a female on the bed laying down with her head  
11 against the corner of the wall.

12 I saw a very large kitchen knife, about --  
13 it looked like 12 inches big, right in front of her by  
14 her neck. And I -- I saw another arm around her and  
15 then as I went around closer, I could see these two,  
16 like, huge, evil looking eyes, like, right above her  
17 head just staring at me in the corner of the room. So  
18 I was fixated on that.

19 Q Okay.

20 A I was just about to boot the door when  
21 Mooney and Rizzo both told me, "Hey, there's a baby in  
22 the crib. There's a baby in the crib." I say,  
23 "Okay."

24 I drop my flashlight and I holster my weapon  
25 and I grab the baby and run it to the next room and



## Examination of Michael Gonzalez

1 place it on the couch and run back over to deal with  
2 the --

3 Q Do you remember which room you ran into?

4 A I -- I placed it on this couch right here.

5 Q Okay. In the living room?

6 A Yeah.

7 Q Okay.

8 A It was a very small -- very small house.

9 Q Okay. When you first look into the room, do  
10 you remember whether the light was on in there or the  
11 light was off? Did you --

12 A It was off. The light was off.

13 Q Okay. And did you need your flashlight to  
14 see what was happening then?

15 A There was some illumination from the  
16 hallway. I definitely used my flashlight when it  
17 came -- when I was inside the room, but you could --  
18 you could see kind of what was going on through the  
19 illumination of the hallway.

20 I had already flashed my light on what was  
21 going on before I had dropped my flashlight, so I kind  
22 of had an idea of what we were dealing with.

23 Q Okay. And what did you do with that  
24 information? Did you let the other guys know or did  
25 you just --

## Examination of Michael Gonzalez

1           A     I -- I grabbed the baby out of there and ran  
2     it to the back as quick as -- I figured they were  
3     going to find out eventually what was going on in  
4     there.

5           Q     Okay.

6           A     There's not -- there wasn't a lot of time  
7     for communication about what was happening.

8           Q     Okay. So you set the baby down. Did you  
9     run back to the door?

10          A     Mm-hmm.

11          Q     And then what happened?

12          A     As I'm -- as I'm -- as I come back -- it  
13     might have been Mooney in there at first and then they  
14     flip flopped, but Mooney and Rizzo flip flopped.  
15     Rizzo has his less-lethal launcher and I hear him  
16     shoot a round off.

17                 And I hear an audible, "Ow." I don't  
18     remember if it was the first less-lethal shot that he  
19     took or the second one where I heard the "ow," but  
20     I -- there was definitely an audible "ow" from a --  
21     what appeared to be a male voice.

22          Q     Okay.

23          A     He shoots the first round. He pops out  
24     'cause we couldn't -- we couldn't get inside the room.  
25     We had, like, about a foot in the door frame to work

## Examination of Michael Gonzalez

1 with. Mooney --

2 Q And how -- how small is the area in that  
3 hallway outside the door?

4 A Very small. I mean, we could barely fit  
5 two people. It was very cramped.

6 Q Okay.

7 A Rizzo exits the doorway, says he's  
8 reloading. Mooney goes back inside the crease.

9 Q You mean the -- the opening in the door?

10 A The -- the opening in the door.

11 Q Okay.

12 A When he goes back inside the crease, I don't  
13 know if he's saying anything. I don't know 'cause I  
14 was kind of behind him. Rizzo reloads. He says, "I'm  
15 ready."

16 He goes back -- Rizzo goes back in the  
17 crease, shoots him with another less lethal, comes  
18 out. And then Mooney's in the crease trying to --  
19 trying to spark up a dialogue with this guy.

20 Q Could you hear what he was saying?

21 A He was -- he was saying, "You don't have to  
22 do this," in probably the most calm demeanor and most  
23 soothing tone you could have in a situation like this.

24 Q Now, when you look in first and you see what  
25 you described as these eyes and this knife held up

## Examination of Michael Gonzalez

1       this female's --

2           A       Mm-hmm.

3           Q       -- neck, I mean, what's -- what's going  
4       through your mind at that point?

5           A       She's being held hostage.  She's being  
6       kidnapped by this guy.  And he -- she's in immediate  
7       danger of death or serious physical injury based off  
8       what I observed walking into this place.

9                   And he -- I was assuming this -- this is the  
10       guy that had already attacked three other people and  
11       he had another victim at knifepoint.

12          Q       Mm-hmm.  Okay.  How does that kind of change  
13       your approach or thinking about the call now that you  
14       have located the threat and he has what you've  
15       described as a hostage at knifepoint in his arms?

16          A       Well, we got to -- we got to stop him  
17       somehow.  It was tough because we couldn't get in the  
18       room to create space.  We couldn't get angles.  We had  
19       one vantage point and that was just looking at him  
20       this angle.

21                   They're both laying on the bed.  She's in  
22       front of him.  And all you could see is his eyes and  
23       the top of his head and he's got a knife to her neck.

24          Q       And could you see or tell, given the  
25       lighting, how well he was actually concealed by her

## Examination of Michael Gonzalez

1 body?

2 A I could only see, like I said, his -- his  
3 eyes, his head, kind of the top of his head and his  
4 arms. One arm was around her waist and the other arm  
5 was up by her neck. That's all I could -- that's all  
6 I could see.

7 Q Given what you had seen at that point in  
8 terms of these other critically injured people, three  
9 others that you've described --

10 A Mm-hmm.

11 Q -- and, now, seeing what you're seeing in  
12 this bedroom, did you feel like lethal force would be  
13 authorized or necessary at that point?

14 A Absolutely.

15 Q Why didn't you use lethal force at  
16 that moment?

17 A I didn't -- we didn't have a shot -- or I  
18 didn't have a shot, I should say. It wasn't a shot  
19 I was comfortable making.

20 Q What do you mean by that?

21 A It was a -- he -- all I could see -- we're  
22 trained to -- to shoot at the vital organs, which  
23 would be the heart or the chest. He was completely  
24 covered by that -- by her body. The next option is  
25 the head, but I can only see his eyes and the top of

## Examination of Michael Gonzalez

1 his head. She's actively fighting this guy and moving  
2 around.

3 It was very dynamic and fast moving. It  
4 would have had to have been -- I -- I honestly -- I  
5 just did not feel comfortable making that shot. And  
6 it -- it would have came down to it and she was  
7 getting hurt more, I would have holstered and probably  
8 jumped in there and wrestled the guy with the knife  
9 because I'm not going to take --

10 Q Rather than shoot?

11 A Rather than shoot 'cause I'm not going to --  
12 I'm not -- I didn't want to shoot her.

13 Q Was that what you were worried about?

14 A Yes.

15 Q That you'd hit her with --

16 A Yes.

17 Q -- a bullet?

18 A Yes.

19 Q Okay.

20 A It was very fast moving. She's moving  
21 around. And my -- my window to shoot was about four  
22 inches wide and three inches high and it's moving like  
23 this. That's not a shot I am comfortable making by  
24 any means.

25 Q Okay. So you're in this situation where

## Examination of Michael Gonzalez

1       it's very serious. You feel like lethal force would  
2       be authorized to end this threat --

3           A     Yeah.

4           Q     -- but you can't take it.

5           A     Yeah.

6           Q     So what did you guys do? Or what did  
7       you do?

8           A     Well, Mooney is -- has a dialogue with the  
9       suspect and he's, like I said, the calmest demeanor  
10      you could have in a situation like this trying to  
11      deescalate the situation. Maybe, you know, he can  
12      talk him into, you know, giving up. Who knows what  
13      could have happened?

14                   Basically, it buys us more time to figure  
15      out what to do, creating a dialogue with this guy.  
16      It -- the dialogue wasn't going well because this --  
17      the suspect was yelling, "If you come in here, I'm  
18      going to fucking kill her. I'm going to fucking kill  
19      her if you come in here. Don't come in here or I'm  
20      going to kill her."

21                   Like, he's yelling it over and over and over  
22      again. So, at that point, you know, we needed to get  
23      in there and -- and we needed to -- we needed more  
24      options and you get more options by space. The more  
25      space you have, the more options you have.

## Examination of Michael Gonzalez

1                   Right now, we didn't have many options at  
2 all besides sit there and watch. Mooney grabs the  
3 crib, throws it over the clutter and it enables the  
4 door to open. Can I sit down?

5           Q     Of course, yeah, go ahead.

6           A     Mooney grabs the crib, throws it over  
7 the clutter. We make entry into the room, but we  
8 couldn't -- we could only fit, like, two people. So  
9 I was -- I'll just point it out. I was at the -- I  
10 was right here next to where the light switch would be  
11 and Mooney's just to the right of me right here.

12          Q     Okay.

13          A     And we're facing this direction. There's  
14 too much clutter over here for us to do anything more.

15          Q     Did you have a sense of where Officer Rizzo  
16 had gone?

17          A     He was behind us somewhere, but I -- I  
18 couldn't tell you.

19          Q     Okay. Once you got into the room, how, if  
20 at all, did the scenario change?

21          A     He then took the knife and put it into her  
22 gut or he was trying to stab her in the gut with it.  
23 And she's fighting -- she's fighting him off, just  
24 pushing his arm away the best she can, puts the  
25 knife -- puts the knife back up to her neck. She's



## Examination of Michael Gonzalez

1       scrunching her neck trying to stop it from going into  
2       her neck.

3               And -- she's -- she's fighting off the  
4       knife. He's actively trying to put it in her stomach  
5       and into her neck. He's saying he's going to fucking  
6       kill her and then he's saying, "Just kill me. Just  
7       kill me." At one point, she -- she grabs his wrist  
8       that had the knife in it and pushes it above her  
9       head -- or his head.

10              And she shimmies down, so -- where I had  
11       about a foot-and-a-half window. Mooney's still  
12       talking to the guy. And I -- a -- an opportunity  
13       arose for me. It was a shot that I was comfortable  
14       making. And I fired one round and it struck him above  
15       the left eye.

16              Immediately after that, Mooney fired a  
17       round and grabbed the victim. She was taken. I  
18       maintained lethal cover on the suspect. We slowed  
19       everything down 'cause it -- it's kind of static at  
20       that point.

21              He still had the knife in his hand. Rizzo  
22       says that he's going to shoot him with the less lethal  
23       again to see if he'll react. I say, "Okay. Hold on  
24       for a second."

25              I put over the radio that we will be

## Examination of Michael Gonzalez

1       deploying another less lethal or the next shot's going  
2       to be less lethal, to -- something to that extent so  
3       other officers that are there know that we aren't  
4       still shooting at the guy. He shoots him with a less  
5       lethal. He doesn't react.

6               He still has the knife in his hand. Mooney  
7       says, "I'm going to grab the knife." I say, "Okay."  
8       He says, "You got me?" And I said, "Yeah." He pins  
9       the knife in his hand, takes the knife out and then I  
10      was escorted to a patrol car afterward.

11             Q     Okay. That moment when you see her push his  
12      arm up, shimmy down and, as you put it, a shot opened  
13      up for you, what did you think would happen if you  
14      didn't take that shot?

15             A     She would have been killed. She would have  
16      been killed or seriously hurt. One of us would have  
17      got hurt 'cause I think we would have had to do  
18      something else. Someone would have got seriously hurt  
19      or killed, I think.

20             Q     Okay. You said you took one shot --

21             A     Mm-hmm.

22             Q     -- that hit him above the left eye?

23             A     Mm-hmm.

24             Q     Why did you stop shooting?

25             A     Like I said before, it was a very dynamic,

## Examination of Michael Gonzalez

1 fast moving situation. She's still fighting and  
2 flailing around. He's moving. I'm not going to --  
3 it was a small window of opportunity to take the shot  
4 and if it closed and I continued to shoot and ended  
5 up shooting her, I wouldn't have been able to sleep.

6 So I took one shot that I was pretty  
7 confident I could hit and I saw it strike above his  
8 left eye. I know a shot there is extremely effective,  
9 so I assessed whether I needed to shoot more. He  
10 appeared to go limp, I guess. And then immediately  
11 after I shot, Mooney shot as well.

12 Q Okay. Once you took the shot, you said she  
13 was kind of shimmying down away from him toward the  
14 foot of the bed?

15 A Mm-hmm.

16 Q Did you see where she ended up going?

17 A I -- I noted when she -- I -- I feel like  
18 when she felt she could break free, she broke free and  
19 crawled towards us. And I think Mooney grabbed her  
20 hand or arm and escorted her out, I believe. That's  
21 the best of my recollection of what -- what happened  
22 after.

23 Q Okay. Did you notice anything about  
24 her clothing?

25 A Yeah. She was wearing a tank top -- tank

Examination of Michael Gonzalez

1 top and she didn't have any pants on at the time.

2 Q Okay. At any point from when you first  
3 arrived on scene and -- and described for us that you  
4 drew your firearm, did you ever consider using a  
5 different force option?

6 A From -- can you repeat the question one more  
7 time? Sorry.

8 Q Sure. Throughout this incident, from when  
9 you arrived, you described you drew your firearm.

10 A Yeah.

11 Q And then when you guys grouped up, you said  
12 Young and you were going to be lethal cover.

13 A Yeah.

14 Q Rizzo was going to be less lethal. As this  
15 is unfolding once you're in the house, did you ever,  
16 at any point, think it would be appropriate to use a  
17 different type of force option other than lethal  
18 cover?

19 A Absolutely. I wish we could have had every  
20 less-lethal option we could have had there. I wish  
21 we had a canine. That would've helped. It -- it --  
22 this is -- you got to understand that this is an  
23 active-threat situation where people have already  
24 been seriously injured.

25 I'm going to bring my gun to this fight and,

## Examination of Michael Gonzalez

1     if I can, I will use another less-lethal option.  
2     However, we didn't have the time to discuss what other  
3     options we could have taken in.

4             A Taser would have been ineffective because  
5     I need a good Taser spread and I need two points of  
6     contact on whatever I'm shooting for the electrical  
7     current to take effect. She was, unfortunately, in  
8     between that from happening.

9             Pepper spray doesn't do anything in a  
10    situation like that and it would have contaminated  
11    us and rendered our ability to take action useless.  
12    A baton is a baton. It's just like striking with  
13    a fist. We would have to get it within, you know,  
14    striking range of the knife.

15            And a knife can do a lot of damage in a very  
16    small amount of time. We needed distance, which we  
17    had, which was less lethal and lethal, our less lethal  
18    being a 40-millimeter styrofoam ball that's --  
19    inflicts pain, but it doesn't kill somebody. We  
20    attempted to use that and it failed.

21            We attempted to deescalate and it was not  
22    working. The only other option would have been him  
23    saying, "Okay. I give up," throws the knife and  
24    gives us the victim. But he was -- by the time I  
25    took the shot, he was trying to stab her in the gut

## Examination of James Mooney

1 with the knife.

2 So I think we exhausted every single option  
3 that we could have had in that time.

4 MR. JACKSON: Okay. I don't have any other  
5 questions. Do the grand jurors have any questions?

6 Okay. I don't see any.

7 Thank you very much, Officer.

8 THE WITNESS: Thank you.

9 MULTIPLE GRAND JURORS: Thank you.

10 THE WITNESS: Yeah.

11 MR. JACKSON: Why don't we take an afternoon  
12 break here? We can go off the record.

13 (Recess taken, 2:19 p.m. - 2:27 p.m.)

14 MR. JACKSON: All right. We're back on the  
15 record following our afternoon break. And so we'll  
16 start with our next witness, James Mooney.

17 Please stand right here and raise your  
18 right hand.

19 THE WITNESS: Good afternoon.

20 **JAMES C. MOONEY**

21 Was thereupon called as a witness; and, having been  
22 first duly sworn, was examined and testified as follows:

23 **EXAMINATION**

24 BY MR. JACKSON:

25 Q You can have a seat.

## Examination of James Mooney

1                    Could you please state and spell your name?

2            A        My name is James C. Mooney, M-o-o-n-e-y.

3        I'm currently employed by the Portland Police Bureau  
4        as a sergeant.

5            Q        And, Sergeant Mooney, is your appearance  
6        before this grand jury today voluntary?

7            A        Yes, it is.

8            Q        In other words, are you under subpoena to  
9        testify before this body or in any other way compelled  
10       to do this?

11          A        Not that I'm aware of.

12          Q        Okay. And are you aware that, at any point,  
13       you can let me know if you would like this process  
14       to cease and we'll stop asking questions and you  
15       can leave?

16          A        Yes, I've been advised of that.

17          Q        Okay. So, first, how old are you, sir?

18          A        I'm 63.

19          Q        Okay. And what is your educational  
20       background?

21          A        I went to Jesuit High School here in  
22       Portland and I went to the University of Santa Clara.  
23       I have a degree in -- an undergraduate degree in  
24       finance. I had some master's degree courses that I  
25       attended in my senior year of college as well.

## Examination of James Mooney

1           Q     Okay.  And when did you become a  
2 police officer?

3           A     Ten years ago almost, ten years in  
4 two months.

5           Q     Okay.  And did you have a career before you  
6 became police officer?

7           A     I did.  I was in business for a number of  
8 years.  I was -- worked very hard, was very successful  
9 and retired young.

10          Q     And what caused you to decide to become a  
11 Portland Police officer?

12          A     That always sounds altruistic when people  
13 ask me that question.  I've been able to successfully  
14 avoid it at work for ten years.  But I was looking to  
15 do something in community service at the time.

16                I have a background in community service all  
17 the way back to high school and thought I was young  
18 enough.  I was in good physical condition and was  
19 looking for something to do.  I looked at Habitat for  
20 Humanity.

21                I looked at some other things and somebody  
22 suggested the reserve program at a police department  
23 somewhere and expressed no interest in that at the  
24 time, but was exposed to some people who were involved  
25 and got involved.



## Examination of James Mooney

1 Q Okay. And that was about ten years ago?

2 A It was. Or, actually, that -- it started  
3 probably 12 years ago 'cause it takes a long time to  
4 get hired.

5 Q Okay. And once you were hired, could  
6 you explain for us the training process that you  
7 went through?

8 A I attended the DPSST basic academy in Salem  
9 with 19 of my closest under-30 friends at the time.  
10 And I attended -- attended -- I think it was -- it was  
11 between 12 and 15 weeks. I've forgotten now. It's  
12 been a long time ago. After graduating at that time,  
13 I was the Vic Atiyeh Award winner at that time.

14 Q What -- what is --

15 A And --

16 Q -- that?

17 A The most outstanding in the class at that --  
18 at that time.

19 Q Mm-hmm.

20 A And was given that honor by my -- by my  
21 classmates and the people who run DPSST. And so I  
22 came to Portland and started my probationary period,  
23 which is 18 months.

24 I went -- attended the advanced academy,  
25 which was approximately 10 weeks, 10 to 12 weeks, here

## Examination of James Mooney

1 in Portland. And from there, since then, I have about  
2 2,000 hours of additional training.

3 Q Okay. And you successfully completed all of  
4 that training?

5 A Yes --

6 Q And --

7 A -- I did.

8 Q And your probationary period?

9 A Yes, I did.

10 Q Okay. And you said that you're a sergeant  
11 with the Portland Police Bureau, right?

12 A Yes.

13 Q And when did you become a sergeant?

14 A In 2015, I believe. May of 2015. It's been  
15 five years. As of about five days ago, it's been  
16 exactly five years that I was promoted to sergeant.

17 Q Okay. And what, if any, additional training  
18 is required for sergeants?

19 A The training is on -- ongoing. It requires  
20 a written test. It requires what's referred to as the  
21 Assessment Center where a group of outside individuals  
22 who make up from police departments around the  
23 United States assess your performance in oral boards,  
24 scenarios, culminating in a -- a pass-or-fail grade  
25 and then you're ranked on the list. And the list is

## Examination of James Mooney

1       made up and then the Bureau decides whether to hire  
2       you as a sergeant or not.

3           Q     Okay. And prior to becoming a sergeant,  
4       were you a patrol officer?

5           A     I was. Just prior to being a -- promoting  
6       to sergeant, I was a Street Crimes officer, which is a  
7       small unit of four to five officers out of North  
8       Precinct. We did a lot of drug interdiction. We did  
9       specialty assignments, basically a catch all for areas  
10      that needed community policing.

11          Q     Okay. And before that, were you a  
12      patrol officer?

13          A     I was a patrol officer. I had a partner for  
14      two years, Officer David Hughes. And prior to that, I  
15      worked alone.

16          Q     Okay. When you became a sergeant, what was  
17      your specific assignment?

18          A     I was selected to work East Precinct nights,  
19      which encompasses all of East Precinct. I have  
20      approximately six to eight officers under my direct  
21      supervision and I -- I help supervise the -- at the  
22      time that I was hired in 2015 -- might have been  
23      2000 -- 2015, we had a minimum officer standard of  
24      17 per shift.

25                So every shift that I arrived for work,

## Examination of James Mooney

1       there was a minimum of 17 officers. We could have as  
2       many as 20, 22, but most of the time, we were at  
3       minimums. Slowly but surely, that's dwindled to 15  
4       and I think, currently, it's 14.

5             Q       Per shift?

6             A       Per shift.

7             Q       Okay. Could you describe for us, generally  
8       speaking, how the responsibilities during a shift of a  
9       sergeant differ from that of a patrol officer?

10            A       This -- the way I look at it is a team -- a  
11       team atmosphere. You could also consider the  
12       sergeants to be coaches. But they're -- basically,  
13       they're supervisors. So we respond to calls where we  
14       believe that supervision may be required. It may be  
15       necessary by policy.

16                    We are called to scenes. When we're not  
17       doing that, oftentimes we are called to scenes where  
18       something happens. So, for example, if force is used,  
19       somebody uses a takedown to take somebody into  
20       custody, that's a mandatory report written by a  
21       sergeant.

22                    And we go out and do an investigation to  
23       make sure that everything was done properly, that the  
24       suspect is treated properly and that the officers  
25       adhere to the reporting requirements of the policy.

## Examination of James Mooney

1           Q     Okay. And so during a shift that you are a  
2 sergeant for, would you just be kind of driving around  
3 waiting for one of those situations to arise you would  
4 respond to or do you stay at the precinct primarily or  
5 how does that work?

6           A     That's an option for each sergeant. I -- to  
7 be honest with you, I hate the word "hate," but I  
8 hated being in the office. But that's not -- was  
9 my -- not my forte. I like interacting with the  
10 officers. It's one of the reasons I never changed my  
11 shift from night shift, is I enjoy working with the  
12 younger officers.

13                     And when you're on -- when you're new to  
14 law enforcement, your seniority usually dictates that  
15 you're going to end up on night shift. So I enjoy the  
16 interaction with the younger officers, mentoring them  
17 and helping them through their calls.

18                     Oftentimes, I would park and monitor the  
19 radio. We monitor call load as well, so things get --  
20 calls get dispatched that don't need police response.  
21 And it's a sergeant's responsibility to determine  
22 whether a police response is mandatory in that case  
23 or whether other resources should be deployed.

24                     So we monitor the caseload. It appears on a  
25 computer screen. And their -- each district has calls

## Examination of James Mooney

1 holding. We monitor what the activity of the officers  
2 are in those districts.

3 If an officer has to take somebody to --  
4 into custody and drive them to jail, their --  
5 oftentimes, their district is empty and we will ask  
6 another officer, either through the computer or over  
7 the air, to take the call in that district. So  
8 it's -- it's a management situation.

9 My MO when working was, if there was down  
10 time, I typically park -- parked at 122nd and Stark,  
11 either in the Fabric Depot parking lot or behind Big 5  
12 Sporting Goods, so my -- I could back up so I could  
13 see anybody coming in and I could monitor the radio,  
14 monitor the computer, start to complete some paperwork  
15 that needed to be done.

16 And so it's not a mandatory requirement that  
17 you stay in the office. It's not a mandatory  
18 requirement that you be on patrol.

19 Q Okay. And when you are on shift, are you in  
20 full uniform with badge displayed?

21 A Yes.

22 Q And the patrol vehicle you operate, is that  
23 a marked patrol car?

24 A It is.

25 Q Does it have any special designation since

## Examination of James Mooney

1       you are a sergeant or a supervisor?

2           A       On the door, it says, "Supervisor."

3           Q       Okay.

4           A       It's very official.

5           Q       Okay.

6           A       It looks just like a patrol FIU, Ford  
7       Interceptor Unit, the SUV, but it says, "Supervisor,"  
8       on the door.

9           Q       And are you by yourself or do you have  
10       a partner?

11          A       No, I work alone.

12          Q       How many sergeants generally are on shift  
13       with you or are you by yourself?

14          A       That's a good question. When I started at  
15       East Precinct, the minimum staffing for sergeants was  
16       two. It then moved to three. So on the day of this  
17       incident, it was three, which means if there is not a  
18       third sergeant available, one needs to be hired. That  
19       also includes acting sergeants.

20                 So there was many times when I was first  
21       hired that I was considered what's called a  
22       hard-stripe sergeant, which means I was actually  
23       promoted and wore sergeant stripes.

24                 And then, oftentimes, there would be a  
25       sergeant in training called an acting sergeant who

## Examination of James Mooney

1 would be filling in for other sergeants. And,  
2 occasionally, you have that condition. And I worked  
3 many, many shifts with an acting -- just myself and an  
4 acting sergeant.

5 Q Okay.

6 A Currently, it's -- the current standard is  
7 it's moved back to two for staffing issues. It's  
8 literally because there aren't enough sergeants.

9 Q Okay. I want to take you now to your shift  
10 which started on April 28th, 2019 into the morning  
11 hours of April 29th of 2019.

12 A Okay.

13 Q And, first, after the incident occurred,  
14 were you placed on a communication restriction order?

15 A I was.

16 Q And have you abided by that?

17 A I have.

18 Q Okay. Starting on April 28th, 2019, before  
19 your shift began, was there anything unusual that  
20 occurred during the day?

21 A No.

22 Q Can you --

23 A I lead a very boring life.

24 Q Okay. Can you take us through kind of your  
25 pre-shift routine?



## Examination of James Mooney

1           A     Sure.  So, typically, on the day that I  
2     work, I -- if I've worked the night before, I sleep  
3     until about -- hopefully about 1 o'clock in the  
4     afternoon after getting to bed at about 8:30 in the  
5     morning 'til about 1:00.

6                     I then get up and I have something to eat  
7     and then I visit with my wife, check on her, how she's  
8     been -- been doing.  And then I always arrive at work  
9     at least one hour prior to the start of my shift,  
10    whether I am considered the early sergeant -- an early  
11    sergeant is, if it's your Friday, your last day of  
12    work for the week, you are the early sergeant.

13                    And the early sergeant is required to be at  
14    East Precinct at 9:00 p.m. or 2100 hours.  They prep  
15    for roll call.  They check what's called the UDAR,  
16    which is the scheduling where everybody is listed of  
17    who's working.  They fill overtime slots if we're  
18    below minimum officers.

19                    They fill -- they do all that for about an  
20    hour.  My typical routine is there -- I'm an hour  
21    there -- at work an hour beforehand.  So I arrived an  
22    hour before work.  I believe that was my Friday.  Yes,  
23    it was.  And so I was the early sergeant.

24                    So I showed up at 9 o'clock or, usually, at  
25    a quarter to 9:00.  I go directly to the locker room.

## Examination of James Mooney

1 We have a small locker room, command locker room,  
2 versus the general population locker room, got dressed  
3 for work, prepped my radio to make sure it had a  
4 fresh battery.

5 I have the exact same routine every day.  
6 Arrive at the precinct, go to the locker room, change  
7 into my uniform, walk down the stairs, get a new  
8 battery for my radio, check to make sure the radio was  
9 functioning properly, make sure I had all my  
10 appropriate equipment, proceeded to the sergeant's  
11 office, greet any sergeants that are in the office  
12 working.

13 Sometimes the afternoon sergeants are there  
14 conducting business, greet them and go right to work  
15 at 9 o'clock. At 10 o'clock is the start of roll  
16 call. The other sergeants would have arrived on that  
17 day and proceed with roll call.

18 Q Okay. And before we continue with kind  
19 of your routine here, I did want to ask a couple of  
20 additional questions about your training. Now, did  
21 you have CIT training or crisis intervention training  
22 as part of your academy?

23 A Yes, we had numerous hours of CIT training.  
24 We call it CIT. I am also ECIT certified, which is  
25 advanced crisis intervention team.

## Examination of James Mooney

1           Q     Okay. And what does that entail to get the  
2     ECIT certification versus the standard CIT training?

3           A     I think the actual number is an 80 --  
4     additional 80 hours of training, scenario training,  
5     classroom training. And along with that, we are -- we  
6     were dispatched as officers to where there's a mental  
7     health crisis for an individual.

8           Q     Okay. And is that what that training is  
9     specialized for?

10          A     Yes, it's to deal with mental health issues.

11          Q     Okay. And then also, do you have any other  
12     certifications for weapon systems besides your duty  
13     arm -- sidearm?

14          A     Yes. I'm -- I'm also less lethal qualified,  
15     so we used to have the less lethal 12-gauge shotgun.  
16     We now use a 40-millimeter launcher, which is a  
17     single-shot, reloadable launcher. I am also Taser  
18     certified, as is all patrol officers. And at -- when  
19     I was involved with RRT, I was also a grenadier.

20          Q     And what is RRT?

21          A     RRT is the Rapid Response Team. We respond  
22     to protests and other mass gatherings. For example,  
23     it's not always protests. Sometimes the RRT is tapped  
24     to do the fun center, so in regular uniform or when  
25     there was large Timbers games, playoff games against

## Examination of James Mooney

1       Seattle, we would be dispatched because there's crowd  
2       management issues there.

3               And you would never know that we were  
4       dispatched there, but you may see officers in uniform.  
5       But they're typically Rapid Response Team officers.

6               Q       Okay. And you said you were a grenadier?

7               A       A grenadier, which means I'm certified to  
8       use less-lethal weapons like a launcher. There's also  
9       a tool called the FN 303, which I didn't use a lot,  
10      but I was certified to use. Also --

11              Q       What is that?

12              A       An FN 303 is an air-driven device that  
13      shoots a projectile with paint. It has a paint -- a  
14      marking round to it. Typically, it's designed to be  
15      used to the lower extremities when force is necessary.

16              Q       Okay. All right. And when you go out on  
17      shift, do you take your less-lethal 40-mil launcher  
18      with you every time?

19              A       That's a really good question. I do not  
20      take mine. The reason -- every time.

21              Q       Mm-hmm.

22              A       What I'll do is I will poll the officers  
23      and find out how many are less lethal certified. And  
24      if there aren't enough launchers being dispatched, so  
25      if I -- I ask, "How many people are going to take a

## Examination of James Mooney

1 launcher out today?" meaning how many are certified,  
2 and I get one hand, then I will probably load a  
3 launcher in my car.

4 The reason I don't like to take a launcher  
5 is if you arrive on scene with a tool -- that would  
6 be considered a tool -- you're then responsible to use  
7 that tool. And it -- it slows down your supervisory  
8 capability. So as a supervisor, you don't want to  
9 be encumbered by a tool typically because then you're  
10 focused on that tool and not supervising the officers.

11 Q Okay. So going back now to April 28th,  
12 2019, you said you were the early sergeant. You went  
13 through that process, roll call began. What happened  
14 then?

15 A I took nothing unusual that day. My -- my  
16 response to the officers at the end of roll call is,  
17 "Be safe. Take care of each other." Then the -- the  
18 officers are -- take off and go to their cars and log  
19 in and proceed to work their shift.

20 Sergeants, being sergeants, the only time  
21 we really interact as sergeants is at what we call  
22 sergeant's coffee, which we have a meeting after roll  
23 call. And, typically, we go to the Ramada Inn at 9 --  
24 99th and Stark -- or Washington. I can't remember  
25 which one. It's Stark or Washington.

## Examination of James Mooney

1                   We use their little breakfast room and we  
2                   have a meeting there for about an hour with coffee  
3                   with sergeants to make sure we're all on the same page  
4                   for the day, catch up with what's going on because we  
5                   all work staggered shifts and so you don't work with  
6                   the same sergeants every shift.

7                   So something may have come up policy-wise,  
8                   something new in policy we'll discuss, something  
9                   happened on the shift previous days where another  
10                  sergeant was -- wasn't there. We have probationary  
11                  sergeants who have been promoted, but they're still  
12                  in their year of probation phase.

13                  And we'll talk about after-action reports  
14                  and things like that until we've exhausted everything  
15                  we need to talk about and then we go out on patrol.

16                  Q     Okay. And on this shift, did you bring your  
17                  40-mil launcher --

18                  A     I didn't --

19                  Q     -- with you?

20                  A     I did not.

21                  Q     You did not. Okay. And at any point in the  
22                  day leading up to your shift or during your shift, had  
23                  you consumed alcohol or drugs that would affect your  
24                  ability to do your job or your judgment?

25                  A     Never.

## Examination of James Mooney

1           Q     Okay. Up to the call for service at [REDACTED]  
2 Southeast [REDACTED] Street, were there any particularly  
3 unusual calls that occurred during the shift?

4           A     No. It was a fairly routine day, nothing  
5 unusual at all. We may even have been considered  
6 slow, which would be typical of a Sunday into Monday.  
7 It's one of the reasons I never changed my days off.

8                     My days off were not considered desirable,  
9 but my days off were Monday, Tuesday, Wednesday  
10 because I loved ending my week on Sunday and Monday  
11 morning because it was typically a little bit slower.

12          Q     Okay. And do you remember, at about 4:15 in  
13 the morning, the call for service coming out?

14          A     Yes.

15          Q     Do you remember where you were?

16          A     I was parked in my spot backed in behind  
17 Big 5 Sporting Goods monitoring the radio.

18          Q     And what was your understanding of the call  
19 when it first came out?

20          A     Well, it came out as a stabbing. So we get  
21 stabbing calls all the time. Typically, when you show  
22 up to a stabbing call, it's somebody has a scratch on  
23 their wrist or something relatively minor. Very  
24 rarely is it somebody has plunged something -- a  
25 weapon deep into somebody.

## Examination of James Mooney

1                   It's -- it's -- they -- they -- we tend  
2           to -- we respond to them Code 3, which is with lights  
3           and sirens, because life may be in danger. But at  
4           that time, it came out as a stabbing call. And,  
5           typically, on a stabbing call, a sergeant will  
6           acknowledge the call.

7                   So I was waiting for Sergeant Searle, who  
8           I believe is still on probation. I was waiting for  
9           a probationary sergeant to answer the call. Sergeant  
10          Searle, as usual, immediately answered that he -- he  
11          was monitoring the call. And that usually means that  
12          the sergeant will leave whatever he's doing and head  
13          toward that call.

14                 Q     Okay. And so once you heard Sergeant Searle  
15          acknowledge the call, did you take any further action?

16                 A     I did. And the reason I left my parking  
17          spot at -- at Big 5 Sporting Goods was it had been  
18          relatively slow and that's not my style, so I decided  
19          I would go and assist Sergeant Searle with the  
20          stabbing call.

21                 Q     Do you remember who the other sergeant was  
22          on duty that night with you?

23                 A     It might have been Sergeant Kula. I don't  
24          remember off the top of my head.

25                 Q     Okay. That's all right. Were there three,



## Examination of James Mooney

1       though? As you said --

2           A     Yes.

3           Q     -- there were --

4           A     Yeah. There would --

5           Q     -- three minimum?

6           A     -- there would have been three of us.

7           Q     Okay. So you decide to respond along with  
8       Sergeant Searle to the call?

9           A     That's correct.

10          Q     And as you proceeded toward the call, were  
11       you going Code 3, as you put it, or --

12          A     Mm-hmm.

13          Q     -- lights and sirens?

14          A     Well, interesting that you ask. I -- I left  
15       my parking spot, was tooling out onto Stark Street  
16       headed westbound on Stark to 122nd, which is only one  
17       block. But as I got to the light and was waiting at  
18       the red light, things started to get amped up.

19          Q     What do you mean?

20          A     I know my officers that I work with and the  
21       officer who was responding who was the primary officer  
22       on the call was Officer Aaron Rizzo. Now, I -- I  
23       trust Aaron Rizzo's judgment like I would trust my  
24       own. He's solid. He's a lateral transfer a few years  
25       ago from Tampa, Florida.

## Examination of James Mooney

1           I have much experience with Sergeant --  
2       or with Officer Rizzo and his ability to determine  
3       what's necessary for a call. He's also excellent at  
4       deescalation. He's also an ECIT officer.

5           And Officer Rizzo called for a staging area  
6       at [REDACTED] and Powell, which is a few blocks north of the  
7       site where the incident happened. As I proceeded to  
8       go southbound on 122 headed toward the call, Officer  
9       Rizzo started saying that medical was needed, that he  
10      was to skip the staging area.

11          So, typically, on a call where there's a  
12      weapon involved, we will stage. So we will get to an  
13      area, get out of our cars, decide how we're going to  
14      approach depending on the weapon that's involved.

15          If it's a long gun or a pistol of some kind,  
16      something that a projectile can be shot, we'll use  
17      some of our armored FIUs. So our SUVs 2016 and newer  
18      have armored doors. So what we'll do is we'll open  
19      the doors and we'll act as a shield and we'll actually  
20      move up behind the FIU toward the location.

21          But Officer Rizzo said that -- or another  
22      officer said, "I'm going to try to get eyes on,"  
23      which, again, is another tactic we use. We move two  
24      officers up in the dark to try and see what's going on  
25      at the particular location in the dark and radio back

## Examination of James Mooney

1 to us to find out what's going on.

2 Those officers or somebody on the radio said  
3 there were multiple victims, start a second ambulance.  
4 Well, that changes the whole foundation of the call.  
5 If -- if my people are telling me there's multiple  
6 victims and they can see that they're victims, which  
7 means they -- you can either see them bleeding or  
8 they're yelling or screaming or falling on the ground  
9 or -- it was -- or turning into chaos, then that  
10 requires a quicker response from the supervisor.

11 So I then proceeded to drive Code 3 lights  
12 and sirens southbound on 122. About three quarters of  
13 the way to [REDACTED] they called off the staging area and  
14 said, "Come directly to the scene."

15 Q What does that mean to you when you hear  
16 that?

17 A It means that the situation has amped up,  
18 that it's more critical that police get there.  
19 Somebody on the radio announced that there were  
20 multiple victims and that they didn't know where the  
21 assailant was.

22 So I hadn't drawn a conclusion to the call  
23 yet, so I drove directly to [REDACTED] and [REDACTED] parked  
24 behind another police vehicle, got out of my vehicle.  
25 Somebody immediately shined a flashlight in my face,

## Examination of James Mooney

1       which is highly unusual.

2               And I take that to understand the reason  
3       they did that was they wanted to see who it was. They  
4       knew it was somebody, but they wanted to know who it  
5       was. I then saw Officer Rizzo with his less lethal  
6       slung over his back.

7               So the less-lethal launcher, it's a tube  
8       device. And it has a bright-orange strap to it and  
9       that's to identify who the less-lethal operator is.  
10      And he'd already stated that they wanted multiple  
11      units to respond, that they needed multiple  
12      ambulances, that there were multiple victims and that  
13      there was screaming coming from the house.

14              Officer Rizzo saw me. I was only about a  
15      car length and a half behind him. And he turned and  
16      looked at me and his eyes were big. And Officer Rizzo  
17      doesn't get excited. I can't emphasize that enough.  
18      He's calm. He's my guy.

19              He's my guy that, when I have a crisis  
20      situation, he's the guy I want talking to the person  
21      in crisis. He's the person that I want to deescalate.  
22      I can't tell you how good he is at it. He's very  
23      good.

24              He turns and looks at me and he says,  
25      "Sarge, we got to go in. There's a -- there's a baby

## Examination of James Mooney

1       inside," and something about a guy, he's stabbing  
2       people. Just -- my answer was, "Let's go."

3               So I had, I believe, three officers at  
4       the time. Now, to me -- and this is what I thought  
5       at the time -- this is an active -- an active threat.  
6       So we are all --

7               Q       What -- what does that mean?

8               A       Yeah. We are -- we are all trained in  
9       active shooter. You've all seen on TV, Virginia Beach  
10      the last couple days was a -- was an active shooter.  
11      I haven't -- I have a person who's stabbing people and  
12      he's actively doing that. The only response from us  
13      is that we go in.

14              So you have to stop the person who's  
15      stabbing people. That's the only way you can do it.  
16      And you can't stand back and turn on the hail --  
17      the -- the speaker in the car and say, "Come out with  
18      your hands up." He's actively assaulting people  
19      inside this house.

20              So as we start to move up the driveway --  
21      you've got to understand the situation is this is  
22      a house with multiple people living outside it in  
23      motor homes, in tents in the backyard. Each room is  
24      rented inside, I'm assuming, because there's only  
25      one homeowner there.

## Examination of James Mooney

1                   There's places like this all over town. And  
2 I, personally, had never been to this one, but it was  
3 really crowded with vehicles as we started up the  
4 walkway. To my right out of the side --

5           Q     Sergeant Mooney, could I direct you up  
6 to this --

7           A     Sure.

8           Q     -- board here? Do you see this map with  
9     [REDACTED] Street and [REDACTED] --

10          A     Yes.

11          Q     -- here? Is this the house that you  
12 responded to?

13          A     Yes.

14          Q     If this would assist in -- in kind of  
15 pointing where you were when you were --

16          A     Sure.

17          Q     -- seeing some of these things. Great.

18          A     So this is where I arrived right here. My  
19 car's parked at an angle like this. There's other  
20 police cars. The front door is about here, but there  
21 was many more vehicles parked around there on the  
22 street. So we -- I keep calling it the pod.

23                   That's not an official term, but the pod  
24 of us, the officers, began to move directly toward  
25 this -- this area and up a -- a driveway to a walkway

## Examination of James Mooney

1 to the front door.

2 Q What did you see on the way up?

3 A So, remember, I don't know where this guy  
4 with the knife is. I have no idea where he is. He  
5 could be in the yard as we're walking up. I have no  
6 idea, so my head's kind of on a swivel. I'm with  
7 Officer Gonzalez, Officer Rizzo. There was a female  
8 officer with us. I think it was Sarah Burns.

9 But I had moved to the front of Officer  
10 Gonzalez. To the right, there's somebody screaming  
11 and moaning on the ground saying, "I've been stabbed.  
12 I've been stabbed," and there's a blood trail coming  
13 out of the house. As I'm approaching the front door,  
14 a guy stumbles out of the house.

15 I believe he was holding his neck and  
16 there's blood pouring out of his hands. And he said,  
17 "I don't want to die. I don't want to die." And  
18 he's -- comes stumbling out of the house. There's so  
19 much blood on the floor when I walk in that it's  
20 smeared as I'm walking through it.

21 A fairly normal elderly lady comes to the  
22 door as I hit the door and I said, "Do you live here?"  
23 And she says, "What's going on?" I said, "Stay out of  
24 the house," and I kind of put my shoulder in front of  
25 her and moved her out of the house and we

## Examination of James Mooney

1 continued in.

2 Again, we -- we believe we have an active  
3 assailant. We don't know who's in the house, but he's  
4 actively stabbing people. As we move into the  
5 front -- call it a den area, living room area --  
6 there's a man sitting on a couch with gray hair and  
7 he's holding his neck.

8 And he says, "Am I going to die? Am I going  
9 to die?" And there's blood everywhere. We're -- I  
10 said, "Where is he?" He -- he just kept saying, "Am  
11 I going to die? I don't want to die."

12 We moved to the back of the room. So  
13 straight ahead, there's a hallway. And forgive me, my  
14 recollection of the exact room location --

15 Q Well, Sergeant Mooney, if you look right up  
16 here, does this look like a floor plan of the  
17 residence as you remember it? This is the front door  
18 coming in.

19 A Yes, yes.

20 Q Is this the hallway that you were just  
21 about to --

22 A Yes.

23 Q -- describe? And so if you want to come up  
24 and kind of point here --

25 A So this --



## Examination of James Mooney

1 Q -- where you guys --

2 A -- the main room.

3 Q -- are.

4 A This is where the guy in the gray hair is  
5 bleeding from the neck and holding his leg. I think  
6 somebody had been hit by a hammer and saying, "I don't  
7 want to die." We move through here. We bypass -- you  
8 might be thinking, well, why did we bypass the people  
9 who are injured?

10 That's part of our training. If you have an  
11 active assailant, the only thing that can stop  
12 somebody from hurting other people is to stop them.  
13 You have to get to them. So we know that we have more  
14 officers arriving that will take care of that. We  
15 know that ambulances have been dispatched already.

16 They can take care of that. So we move into  
17 here and this is where my orientation is not very  
18 good. We stop here. Officer Gonzalez, as we enter  
19 the house, has already yelled, "Police. Come out with  
20 your hands up. You may be shot." And he yells it  
21 several times as we're headed through the room.

22 We get to here and our training tells us you  
23 have a threat in front of you, you need to hold that  
24 threat. So, for lack of a better way to describe  
25 this, these doors open into areas. And all of these

## Examination of James Mooney

1 rooms have to be cleared just to make sure that the  
2 assailant isn't in that room.

3 So Mike and I -- or Officer Gonzalez and  
4 I are -- are two with lethal weapons out that I know  
5 'cause we're in the front. I ask Mike to hold this  
6 area this way, hold so if the assailant comes down  
7 here while my back is turned in this room while I'm  
8 clearing it.

9 I go in -- typically, I'll go in with my  
10 flashlight on and I'll move through the room like  
11 this, make sure that everything's clear looking on  
12 what we call low ready with my handgun here looking  
13 over the top of it. Once I cleared -- the bathroom  
14 was tiny. I cleared the bathroom.

15 I cleared a bedroom. And then, to be  
16 honest, this is where I get disoriented. I cleared a  
17 bedroom that was actually -- I was kind of surprised.  
18 It was kind of nice. It was well made up and I'm  
19 assuming that was the little old lady's room and I  
20 think maybe she was the homeowner.

21 Q Okay. Now, let me ask you this --

22 A Yeah.

23 Q -- Sergeant Mooney. You've described you  
24 were clearing these rooms looking over the top of  
25 your handgun.

## Examination of James Mooney

1           A     Mm-hmm.

2           Q     Was there a flashlight attached --

3           A     Yes.

4           Q     -- to the handgun?

5           A     Yes.

6           Q     Did you feel like you needed the flashlight  
7     to be able to see?

8           A     No, 'cause the lights were on. But I'll  
9     typically turn it on. That's a tactical issue. You  
10    can turn it on with your finger.

11                So it has a little spring-loaded device on  
12    it and you can turn it on. And if you were to run  
13    into an assailant of some kind, it can be used as a  
14    tactic to shine a light in their face to disorient  
15    them.

16          Q     Okay.

17          A     And it gives a split second more to react,  
18    so use it as a -- a -- a blinding device. But there  
19    was pretty good lighting.

20          Q     Okay. Do you remember when it was in the  
21    course of this call that you actually drew your  
22    firearm?

23          A     Right away. As soon as you go into a house  
24    where you have an active -- somebody who is actively  
25    stabbing somebody, you -- as you enter the house, you

## Examination of James Mooney

1       don't know if he's standing right there or right there  
2       or the guy on the couch was the guy who's actually  
3       stabbing people. You don't know.

4               So I had already seen, for lack of a better  
5       term, the carnage that he had created. I knew I had a  
6       guy who -- well, I -- I suspected I had a -- a person  
7       who had a large knife who had committed Assault I, who  
8       had attempted -- committed Attempted Murder with at  
9       least three people based upon the people I saw and the  
10      wounds that I saw.

11             And, again, I'm just glancing at these  
12      people making sure they're not a threat. So I didn't  
13      walk over and say, "Let me see that wound there on  
14      your neck." But I know what I saw. And I saw enough  
15      blood on the floor that I knew that this was an  
16      unusual situation.

17             So you have somebody -- we don't even know  
18      if they're still in the house. Somebody said he may  
19      have gone out the back door, so we don't know. So,  
20      again, we're using appropriate tactics, but moving  
21      very quickly because -- trying to locate this person.

22             We were also aware that there was a  
23      possibility that there was a baby involved. And, I  
24      mean, it's bad enough you have innocent adults, but  
25      then to have an innocent child there, you just don't

## Examination of James Mooney

1 know. And with the kind of carnage we saw, you just  
2 don't know what can happen.

3 So we're moving pretty quickly. So I  
4 cleared the bathroom, came out. And, typically, when  
5 you come back out, you say, "Clear," meaning that  
6 one's clear, and then move to the next. And I don't  
7 remember whether it was this -- I think it was this  
8 bedroom, the one that was neat and clean.

9 Q Mm-hmm.

10 A Cleared it, actually had to go deep into the  
11 bedroom to make sure that there wasn't anybody lying  
12 on the floor or underneath the bed, came out and said,  
13 "Clear," moved back. And I don't know whether it was  
14 this room. It was probably this room. Came to a  
15 closed door.

16 Mike said, "I need to clear one more," and  
17 it may have been -- I don't know. It may have been  
18 this door. I don't remember. But Mike cleared one  
19 room to my back --

20 Q You can --

21 A -- so I was holding --

22 Q You can have a seat, too --

23 A Okay.

24 Q -- sir.

25 A Once -- once an area is cleared, you hold

## Examination of James Mooney

1       it, which means if a -- a hallway that you've cleared,  
2       you can then -- you don't turn your back to it. You  
3       continue holding it to make sure that somebody that  
4       you missed popped out of an attic, vent area or  
5       whatever. We came upon a -- a closed door.

6                It was the first closed door we came upon.  
7       And I heard a muffled scream. I said to Mike, "Mike,  
8       they're in there." So --

9               Q       How close is this hallway that you guys are  
10       in? Is it pretty wide? Is it pretty narrow?

11              A       Oh, it's pretty narrow.

12              Q       Okay.

13              A       It's not -- it's -- it's like a typical  
14       small house hallway, typical hallway like you'd find  
15       in any apartment or house. So we come to the closed  
16       door. So the best way for me to describe this is,  
17       door is here, hinges are here, door opens like this.  
18       So I found myself on the hinge side.

19                    So I said to Mike, "Get the door." So he  
20       turns the doorknob, pushes it open and I come up and I  
21       can hear a yell -- a scream, kind of a muffled scream.  
22       The door opens about this far and runs into a baby  
23       bassinet. So -- playpen I guess is a better way to  
24       describe it, a playpen.

25                    And there's a small child inside the door.

## Examination of James Mooney

1     The door won't open any further 'cause it's right up  
2     against the playpen, but I can see the child right  
3     there. And I -- I lean in to see what -- what's going  
4     on in the room. And forgive me, I got to do all these  
5     gyrations now.

6             Q     It's okay.

7             A     So the bed is over toward that window. All  
8     I can see is two, what appear to be, female legs, bare  
9     legs, and it looks like somebody lying behind them.  
10    And I can't see anything yet. And somebody says,  
11    "Grab -- grab the kid."

12            So I stepped in like this. Somebody smaller  
13    than me goes by me, snatches the child, who ended  
14    up being but one, out of the bassinet. And I think,  
15    good. Got -- got one out of the way. I then push the  
16    bassinet a little bit further with the door and bounce  
17    the door open.

18            And I lean in and I can see a girl, her bare  
19    midriff like her shirt has been pulled up, bare legs  
20    and a guy in black sweats -- I think it's striped down  
21    the side or dark blue -- laying directly behind her in  
22    a straight-legged spooning position, if you can  
23    imagine.

24            So she's -- he's lying behind her and then I  
25    look up and he's got a bloody eight-inch kitchen

## Examination of James Mooney

1 knife. When I say, "bloody," it's bloody. It's  
2 covered in blood. And he's got it, so he's laying  
3 down behind her hiding behind her with his right arm  
4 holding her and the knife in his left hand.

5 And it wasn't typical of a situation like  
6 that where you'd think somebody would have it in the  
7 slicing position. It was in a dagger position,  
8 vertical, which was --

9 Q So if he's holding it, was the blade  
10 coming out the top of his hand or was it coming out  
11 the bottom --

12 A The bottom.

13 Q -- of his hand? Okay.

14 A The bottom. So it's laying -- he's laying  
15 down and he says, "I'm going to kill her. I'm going  
16 to kill her. If you come in here, I'm going to kill  
17 her." Well, we're already in, so --

18 Q But do you mean you're -- you're all the way  
19 in the room or you're leaning in through the -- the --

20 A I'm --

21 Q -- cracked open door now?

22 A So the door is open. I have now moved in,  
23 given commands to, "Drop the knife. Drop the knife,"  
24 do the old drop-the-knife thing. He knows I have a  
25 weapon pointed at him. I have no way to stop this



## Examination of James Mooney

1       guy, no way. You cannot believe what that feeling is  
2       like.

3               He's lying down behind her using her as a  
4       human shield. She's not saying very much, but she's  
5       terrified. And he keeps moving the knife from her  
6       neck to her torso, raising it up. He says, "I'm going  
7       to kill her," then he brings it down and points the  
8       point.

9               And I said, "Gonzalez, get in here," and  
10      I -- so we're -- the doorway is like this. The door  
11      has opened up and I have moved in like this up against  
12      the playpen. And I pulled Mike in right next to me,  
13      shoulder to shoulder. I don't have a shot --

14             Q     Did you --

15             A     -- because that's how I'm going to have to  
16      stop it.

17             Q     Did you feel like, at that point, based on  
18      everything you'd seen coming into the house and then  
19      what you're now seeing inside that bedroom, that  
20      lethal force would've been necessary?

21             A     There's no question in my mind. It was a  
22      matter of a split second. If he chose to plunge that  
23      knife into that girl, there isn't enough -- there --  
24      first of all, there's no shot. And I'm thinking to  
25      myself, the last thing I want to do is go home today

## Examination of James Mooney

1       killing an innocent victim.

2               That literally went through my mind. I  
3       can't shoot him. I don't have a shot. And he's going  
4       to kill her because I've already seen him stab other  
5       people in the neck. That's a weird place to stab  
6       somebody. If you're going to stab them, just stab  
7       them in the neck.

8               If you're stabbing somebody in the neck,  
9       you're trying to kill them. And so Mike -- Officer  
10      Gonzalez is next to me. And I hear Officer Rizzo  
11      behind me. He says, "I'm going to bag him," something  
12      similar to that. "I'm going to bag him." Now, what  
13      that means to me is -- you used to call it a beanbag.

14              So a 12-gauge shotgun beanbag round, very  
15      unreliable. But we used to say, "I'm going to -- I'm  
16      going to bag him," or -- and then prior to pulling the  
17      trigger, give a force warning and then yell,  
18      "Beanbag," pull the trigger 'cause you don't want  
19      sympathetic fire from -- from other officers standing  
20      with their guns out and they hear a shot go off and,  
21      all the sudden, they start pulling the trigger.

22              I've never seen that happen, but they say it  
23      can happen. So I said, "Good," and I stepped to my  
24      left slightly. So Gonzalez is here. He slips around  
25      me. He comes up right away and very quickly -- so the

## Examination of James Mooney

1 launcher has a -- the launcher tube's about this big  
2 around. And it has, for lack of a better term, a  
3 red-dot sight.

4 It doesn't project a red dot onto things,  
5 but inside the sight, there's a red dot. And if you  
6 put that red dot on whatever you're pointing it at,  
7 that's where the -- that's where the round's going to  
8 go. The round is about this big around.

9 It's rubber and it's about that big. It has  
10 a big, blue rubber tip on it. It's an impact weapon,  
11 similar to if you were to get hit by a baseball -- a  
12 pitcher in baseball, 90 mile-an-hour fastball or get  
13 hit -- that's what a launcher feels like. He comes  
14 up, boom, pop, pull -- pulls the trigger.

15 Now, he has to step out, crack it open, pull  
16 out to reload. He can't stay there, so I step back in  
17 and started giving commands. When he fired the first  
18 round, I heard a good yelp from -- male yelp of -- of  
19 pain and I thought, yes. 'Cause what we're thinking  
20 of now is, I can't stop this guy with a bullet.

21 Maybe pain compliance will get him to comply  
22 'cause sometimes if you shoot a less-lethal round at  
23 somebody, they think they've been shot. They don't  
24 know it's a less-lethal round. So comes up, fires  
25 once, yelps, I go back in, "Drop the knife. Drop the

## Examination of James Mooney

1 knife." Nothing. Same situation.

2 To the waist, to the neck, to the torso and,  
3 now, he's starting to press a little bit on the tip  
4 of the knife. And I'm thinking, we're running out of  
5 time. Rizzo says -- he yelled, "Reloading," comes  
6 back in, right away, comes back in. He goes, "I'm  
7 ready," and he comes around and, pow, hits him again.

8 Exact same response from the guy holding the  
9 knife. No change. So I say something to the effect,  
10 "You're going to get shot." He pops his head up from  
11 behind the woman and says, "Then just shoot me now."  
12 Well, it's been my experience -- this is going to  
13 sound really -- it's -- it's kind of silly.

14 But it's been my experience that if  
15 somebody's willing to engage you in conversation,  
16 maybe they don't intend to do what they were going to  
17 do, that there's an opportunity to engage them. So,  
18 again, I have no shot. If I had tried to shoot him --  
19 'cause the threat is still there. The knife hasn't  
20 changed.

21 He just pops his head up. And I miss, I  
22 kill her. I'm not going home killing her. So I  
23 changed my tone of voice. Now, I have found over my  
24 years of raising children -- and I have nine  
25 grandchildren -- that when somebody is in distress,

## Examination of James Mooney

1       yelling at them doesn't always work.

2               So I changed my tone of voice and I said,  
3       "Look. You don't have to do this." I even dropped my  
4       weapon down. I said, "Look, you don't have to do  
5       this. You don't have to do this. Let her go. You --  
6       there's -- you don't have to die. Let her go."

7               "I'm going to kill her. I'm going to F-ing  
8       kill her." And he just keeps doing it. And just  
9       about the time I come back up on target, waiting --  
10       I'm looking at hip to waist to lower torso hoping that  
11       something opens up 'cause even if I can hit him there,  
12       it may cause him to let her go.

13               And I hear a gunshot. And the next thing I  
14       remember is his body rolled away from her. To be  
15       honest with you, I don't know how she got off the bed,  
16       but I saw my target open up and my target opened up  
17       about a second to a second and a half after the first  
18       shot went off and I took a shot, unaimed, that was in  
19       the general direction of that area.

20               And, again, I'm not -- I'm just trying to  
21       hit him to make him stop what he's doing. I then  
22       looked up, saw his eyes, saw his head. Somebody  
23       behind me got on the radio and said, "Shots fired." I  
24       holstered and reholstered. I looked to my right and  
25       the girl is sitting down on the floor crying to my

## Examination of James Mooney

1 right.

2 I don't know how she got there 'cause I'm  
3 watching the knife. I'm over the top of my gun trying  
4 to get him not -- 'cause, now, he's pressing it into  
5 her flesh and I'm thinking, man, this is -- just one  
6 more second, he's going to do it. I'm going to have  
7 to do some -- I got to do something.

8 And Mike took the shot. And I never saw  
9 above her chest except when the knife went there. So  
10 I'm watching that knife the whole time going up and --  
11 up and down. And then he raised it up like this like  
12 he was going to plunge it into her. That's when the  
13 shot rang out.

14 So my target opened up. I took one shot. I  
15 looked at his eyes. I've been to enough scenes where  
16 people have head injuries, more than I'd like to  
17 admit. And I could tell by his eyes that -- so  
18 somebody said, "I'm going to bag him. I'm going to  
19 bag him." That's a common practice because his hand  
20 was gripping the knife.

21 His -- his knuckles were still white. I'll  
22 never forget the picture in my mind, still white with  
23 the hand on the knife that had come across his body on  
24 the knife. Well, we can't send in EMTs to tend to his  
25 medical needs until he doesn't have a weapon 'cause

## Examination of James Mooney

1       they're not going to approach him 'cause people  
2       play possum.

3               I didn't think he was playing possum. So  
4       Rizzo says, "I'm going to bag him again. Somebody get  
5       a shield," 'cause, normally, you would approach an  
6       armed subject with a shield, hit them with a beanbag,  
7       see if there's any reaction.

8               If there's no reaction, you send in the team  
9       with a shield, pin the shield down on top of him, pin  
10      the knife down, take the knife away and then medical  
11      staff can come in and do what they need to do. And I  
12      just said -- somebody said, "I'm going to bag him," I  
13      said, "He's done."

14              That was my direct quote. I said, "He's  
15      done. He's done. Back off." And they said -- I  
16      said, "I'll get the knife." And so I took a few steps  
17      forward, pinned his wrist down on the bed. And as I  
18      pinned his wrist, somebody from the -- outside the  
19      hall said, "Pin his wrist."

20              I'll never forget the bloody knife, how  
21      bloody it was. And I took the knife out of his hand,  
22      stood up, dropped the knife right at the edge of the  
23      bed. And I just said, "He's done." So my next call  
24      of action is I have to become supervisor, so my  
25      concern was with Officer Gonzalez.

## Examination of James Mooney

1           I have been a supervisor on officer-involved  
2   shootings in the past, so I know what's required. And  
3   I immediately notified Sergeant Brian Hughes. That  
4   was the third -- one of the three sergeants or four,  
5   Sergeant Brian Hughes, who was standing in the middle  
6   of the room.

7           Forgive me for forgetting that, but Sergeant  
8   Brian Hughes was there. I said, "Mike was involved,"  
9   meaning Gonzalez. I said, "Mike was involved. He  
10   needs assistance." They immediately got him  
11   assistance and then I said I was also involved. And  
12   that was the end of my involvement in the operation.

13          Q     Okay. And you said when you're in the room  
14   and you're looking at the knife moving up and down  
15   toward the female, was your angle that you were seeing  
16   kind of from their feet back up toward their head or  
17   were you more kind of straight on with them or more  
18   toward the door looking from their head down toward  
19   their feet?

20          A     No, no. It would have been -- if I had to  
21   pick an angle, it was an acute angle from the feet to  
22   the head because when he's down behind her, I  
23   literally cannot stop him. There is -- I mean --

24          Q     She's completely obscuring or covering  
25   his --



## Examination of James Mooney

1           A     Yes.

2           Q     -- body?

3           A     And so then my -- I thought if something was  
4 going to open up for me to act, that it would be in  
5 the lower-torso region or, if she somehow scrambled  
6 away, that it would be in the lower torso. And,  
7 again, I'm watching that knife.

8                     So late in this encounter -- when I say,  
9 "late," this happened very quickly, really quickly.  
10 Late in that encounter, he had raised and it looked  
11 like he was going to plunge the knife into her bare  
12 waist. And I -- to this day, I'm surprised he didn't  
13 do it. I'm really surprised.

14                    I remember her rolling her head early on and  
15 seeing a lot of blood. And I -- to be honest with  
16 you, I don't know whether it was her blood or his  
17 blood. I -- I'm assuming now it was her blood. But  
18 that, again, caused me to think, oh, my God. He's  
19 already stabbed her once.

20                    She's quiet. Is she quiet because she can't  
21 talk? It was more whimpering. But, yeah. It was  
22 more toward -- for -- sorry for the long answer.  
23 For -- from the feet.

24           Q     Okay. And you said once you saw that knife  
25 kind of come up vertically, that's when you heard the

## Examination of James Mooney

1 shot and Officer Gonzalez was standing to your left?

2 A Yeah.

3 Q And then you described you saw your target  
4 open up?

5 A Yes.

6 Q Now, what specifically did you see --

7 A I saw --

8 Q -- happen?

9 A -- half of his belly, lower-chest area. If  
10 I remember correctly, it was a -- like, a plaid shirt  
11 or little -- little square boxes on his shirt covering  
12 the entire shirt. It was just an area that was  
13 available to try and get him to stop.

14 If I thought I could have shot him in the  
15 foot to get him to stop, I would have shot him in the  
16 foot. I don't think --

17 Q Mm-hmm.

18 A -- I'd have hit it, but -- it was literally,  
19 I'm watching the knife, I'm thinking, oh, my God.  
20 He's -- he is going to kill her. And all of a sudden,  
21 I hear the sound and then my target opens up and I  
22 pulled the trigger.

23 And then I immediately looked -- looked  
24 toward his face. That's why more shots weren't --  
25 that's why I didn't deploy more shots, is I could tell

## Examination of James Mooney

1 by his eyes and his wound that he -- he was probably  
2 no longer a threat.

3 Q And was that your first opportunity to  
4 actually take a shot throughout the entire engagement?

5 A Oh, yeah. Oh, yeah. No. I -- like I said,  
6 I didn't want to -- I didn't want to shoot her.

7 Q Mm-hmm.

8 A I mean, that would have been a horrible day.  
9 It was a -- it was a bad day to begin -- at the end,  
10 it was a bad day. But to shoot her in an attempt to  
11 stop him, that would have been a horrible day.

12 Q Since that night -- it's been about a month.

13 A Mm-hmm.

14 Q As you've thought about it -- I'm sure you  
15 have -- do you feel like, upon reflection, you had any  
16 other choice but to shoot him in that moment?

17 A No. And I can say that honestly because  
18 I'm -- I'm a guy who believes there's always something  
19 you can do. There's always an alternative. His  
20 ability to use that knife, especially shielded by her,  
21 prevented me from doing anything else. I mean, the --  
22 for me, there wasn't another option.

23 MR. JACKSON: That's all the questions that  
24 I have.

25 Do the grand jurors have any questions?

## Examination of James Mooney

1           A GRAND JUROR: Yeah. At some point, did  
2 someone reach in and move the playpen so you could get  
3 in through the door?

4           THE WITNESS: I shoved the -- I shoved the  
5 door against it and it moved a little bit more. And  
6 then the baby was snatched and I shoved it a little  
7 bit more. But it would stop. It was like there was  
8 maybe something behind it.

9           I took my foot and kicked it once, enough  
10 for the two of us to be in the doorway. I would not  
11 have gone any closer because of the threat, "If you  
12 come in here, I'll kill her."

13          A GRAND JUROR: Yeah.

14          THE WITNESS: And even if -- hypothetically,  
15 even if I had run in the room or ran around to his  
16 feet, I still didn't have a way to stop him.

17          A GRAND JUROR: Now, because of your  
18 position as you were coming in, you kept on using the  
19 phrase, "My target."

20          THE WITNESS: Mm-hmm.

21          A GRAND JUROR: Officer Gonzalez was to  
22 your left --

23          THE WITNESS: Mm-hmm.

24          A GRAND JUROR: -- and, therefore, his  
25 target would have been higher up on his body?

## Examination of James Mooney

1 THE WITNESS: Yes.

2 A GRAND JUROR: So you were specifically  
3 looking for -- for a shot in the chest or abdomen?

4 THE WITNESS: I was -- because -- to be  
5 honest with you, because I thought, if I miss and hit  
6 her --

7 A GRAND JUROR: Mm-hmm.

8 THE WITNESS: -- it may not kill her.

9 BY MR. JACKSON:

10 Q If it hits in the abdomen, you mean?

11 A If it hits in the abdomen --

12 Q Okay.

13 A -- I may not kill her.

14 Q Yeah.

15 A And so the bigger area -- target area from  
16 where I was standing -- plus, remember, I've changed  
17 my tone of voice and I am attempting to communicate  
18 with him now for the briefest of time, but I'm  
19 attempting to communicate in -- in a calming tone of  
20 voice, which may sound weird to you, but it --  
21 sometimes it works.

22 A GRAND JUROR: Not at all, no.

23 THE WITNESS: And the threats never stopped.

24 A GRAND JUROR: Yeah.

25 THE WITNESS: And there is -- there is a --

## Examination of James Mooney

1 I don't know if you've talked about the theory of  
2 action/reaction.

3 BY MR. JACKSON:

4 Q We haven't, so if you would like to explain  
5 what you mean by --

6 A The --

7 Q -- that.

8 A There's a theory of act -- it -- there's --  
9 there's lots of schools of thought, but -- but  
10 every -- every officer in the -- in the last ten years  
11 has been trained in what's called action/reaction  
12 theory. They used to call it the 21-foot rule.

13 So if somebody was in -- within 21 feet of  
14 you, it takes about a second and a half for a person  
15 in good physical condition to close that distance on  
16 you and stab you. And you have about a second and a  
17 half. Well, it takes about that long, 1.3 seconds, to  
18 draw your weapon.

19 So the rule used to be, somebody can act  
20 faster than you can react. And without getting too  
21 technical about it, 'cause there's other theories now,  
22 he -- there is no ability for us to first deploy  
23 lethal force to stop him because of the target that we  
24 have, the lack of target.

25 And, in addition, if he decided to act, it

## Examination of James Mooney

1 would have taken us -- because you have to react to  
2 what somebody's doing. The way they test you is they  
3 put two static individuals and the officer has his gun  
4 out in training. It's not a real gun. Training.  
5 It's a -- shoots blanks.

6 And a guy standing, pacing back and forth,  
7 saying, "I'm just going to kill myself. I'm going to  
8 kill you first and then I'm going to kill myself."  
9 And you're thinking, well, the officer's standing  
10 there with his finger on the trigger pointed at this  
11 guy and in every incident, the guy goes, boom, shoots  
12 the officer first.

13 And it's -- that's the action/reaction gap.  
14 The person who acts first, the person reacting to it,  
15 it takes a split second longer to figure out what just  
16 happened and then they react.

17 A GRAND JUROR: Because he knows what he's  
18 going to do and you don't.

19 THE WITNESS: Exactly.

20 A GRAND JUROR: Now, did you -- did she have  
21 a hand on this man's wrist or on the knife --

22 THE WITNESS: I don't --

23 A GRAND JUROR: -- when --

24 THE WITNESS: No, I never --

25 A GRAND JUROR: -- you -- you --

## Examination of James Mooney

1 THE WITNESS: -- saw her hand on --

2 A GRAND JUROR: -- showed -- you've  
3 demonstrated his hand being raised up.

4 THE WITNESS: Right. I never saw her hand  
5 on her -- on the wrist.

6 A GRAND JUROR: Okay.

7 THE WITNESS: I just saw that bloody knife  
8 going up and down. And as it progressed, it was  
9 pointing to her skin and, actually, I thought it was  
10 going to penetrate her skin once, twice.

11 A GRAND JUROR: Okay.

12 MR. JACKSON: Okay. Are there any other  
13 questions? I don't see any.

14 Okay. Thank you very much, Sergeant.

15 A GRAND JUROR: Thank you, sir.

16 THE WITNESS: Thanks.

17 MULTIPLE GRAND JURORS: Thank you.

18 THE WITNESS: Thanks. Tough job, you guys.  
19 It's a tough job you guys have.

20 A GRAND JUROR: Well, not nearly as tough  
21 as yours.

22 MR. JACKSON: That concludes the  
23 evidence for --

24 (Conclusion of Grand Jury No. 3 Proceedings,  
25 6-3-19 at 3:30 p.m.)



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REPORTER'S CERTIFICATE

I certify, by signing below, that the foregoing is a correct transcript, of the audio record in the above-entitled cause, as recorded on CD and transcribed to the best of my ability and in accordance to the quality of the audio CD.



---

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